

भारत का राजपत्र



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सं. ३]

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No. 3]

NEW DELHI, SATURDAY, JANUARY 18, 2003/PAUSA 28, 1924

इस भाग में अलग संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

राष्ट्रपति सचिवालय आदेश

नई दिल्ली, 10 जनवरी, 2003

क्रा.आ. 163.—केन्द्रीय सिविल सेवा (वार्गीकरण, नियंत्रण तथा अपील) नियम, 1965 के नियम 12 के उपनियम (2) के खंड (ख) और नियम 24 के उपनियम (3) के खंड (ख) दिए गए अधिकारों का प्रयोग करते हुए राष्ट्रपति एवं दूसरा यह निर्देश देते हैं कि इस अदेश के अनुसूची के संबंध (1) में विनिर्दिष्ट समाचार केन्द्रीय सेवा वर्ग के 'ख', 'ख', 'ख', 'ख' और 'ख' के पदों के लिए संसंघ (3) में विनिर्दिष्ट शासितवारों के लिए, संसंघ (2) और (4) में जो प्रधिकारी विनिर्दिष्ट हैं वे क्रान्तिकारी अनुशासनात्मक और अपील प्राधिकारी होंगे।

अनुवादी

पदों का विवरण	शास्त्रियां अधिरोपित करने के लिए सक्षम प्राधिकारी और वे शास्त्रियां जिन्हें वह अधिरोपित कर सकेगा, [केन्द्रीय सिविल सेवा (वर्गीकरण, निर्वन्धन तथा अपील) नियम, 1965 के नियम 11 की मद संख्याओं के प्रति निर्देश से]	अपील प्राधिकारी [केन्द्रीय सिविल सेवा (वर्गीकरण, निर्वन्धन वस्त्र अपील) नियम, 1965 के नियम 24 के प्रति निर्देश से]
(1)	(2)	(3)
राष्ट्रपति सचिवालय	प्राधिकारी	शास्त्रिय
सभी समूह 'क' के पद	राष्ट्रपति	सभी
राष्ट्रपति के सचिव के अतिरिक्त समूह 'क' के पद	राष्ट्रपति के सचिव	(i)
सभी समूह 'ख' के पद	राष्ट्रपति	सभी
सभी समूह 'ग' और 'घ' के पद	राष्ट्रपति/उप सचिव	सभी
		(i) से (iv),
		राष्ट्रपति के सचिव
		राष्ट्रपति के संयुक्त सचिव

[सं. ए-1201145/91-प्रशासन]

**PRESIDENT'S SECRETARIAT
ORDER**

New Delhi, the 10th January, 2003

S.O. 163.—In exercise of the powers conferred by clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of Rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President is pleased to order that in respect of the posts in the General Central Services, Groups 'A', 'B', 'C' & 'D' specified in column (1) of the Schedule to this Order, the Authorities as specified in columns (2) and (4) of the Schedule shall be the Disciplinary Authority and the Appellate Authority respectively with regard to the penalties as specified in column (3) of the Schedule.

SCHEDULE

Description of Posts	Authority competent to impose penalties and the penalties which it may impose [with reference to its numbers in Rule 11 of CCS (CCA) Rules, 1965]	Appellate Authority [with reference to Rule 24 of CCS (CCA) Rules, 1965]	Authority	Penalties
(1)	(2)	(3)	(4)	
President's Secretariat				
All Group posts	The President	All		
Group 'A' posts other than Secretary to the President	Secretary to the President	(i)	The President	
All Group 'B' posts	The President	All		
	Joint Secretary to the President	(i) to (iv)	Secretary to the President	
All Groups 'C' and 'D' Posts	Director/Deputy Secretary	All	Joint Secretary to the President	
[No. A-12011/15/91-Admn.]				
R. S. RANA, Under Secy. (Admn.)				

वित्त एवं कर्पनी कार्य मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 22 अक्टूबर, 2002

(आयकर)

S.O. 164.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नार्थ जॉन कल्चरल सेन्टर, पटियाला (पंजाब)" को 1997-98 तक के कर निर्धारण वर्षों के लिए

निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संबंधन पूर्णतया तथा अन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विविर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तारीकों से भिन्न तारीकों से उसकी निधि (जेवर-जवाहिरात, फलीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुकूल स्वैच्छिक अंक्षदान से भिन्न) का नियन्त्रण नहीं करेगा अथवा उसे जमा नहीं करता सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब वक्त कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर ग्राहिकारी के समक्ष फाइल करेगा;
- (v) विषट्ट की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 300/2002/प.ज. सं. 197/50/2000-आ.क.नि-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

MINISTRY OF FINANCE AND COMPANY AFFAIRS

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 22nd October, 2002

(INCOME TAX)

S. O. 164.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "North Zone Cultural Centre, Patiala (Punjab)" for the purpose of the said sub-clause for the assessment years 1997-98 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other-wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of

accounts are maintained in respect of such business.

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 300/2002/F. No. 197/50/2000-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 22 अक्टूबर, 2002

(आयकर)

का. आ. 165.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “चिफ मिनिस्टरस डिस्ट्रेस रिलिफ फंड, गवर्नरेन्ट ऑफ केरला” को 1990-91 से 1992-93 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जामा नहीं करवा सकेगा।
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिस्पर्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 301/2002/फा. सं. 197/29/92-आ.क.नि-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 22nd October, 2002
(INCOME TAX)

S.O. 165.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Chief Minister’s Distress Relief Fund, Govt. of Kerala” for the purpose of the said sub-clause for the assessment years 1990-1991 to 1992-1993 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 301/2002/F. No. 197/29/92-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 22 अक्टूबर, 2002

(आयकर)

का. आ. 166.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “भारतीय भाषा परिषद् कोलकाता” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग

अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेख-पुस्तिकाएं नहीं रखी जाती हों।
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिस्पर्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 302/2002/फा. सं. 197/58/2000-आ.क.नि-1]

आई. पी. एस. बिन्द्रा, अधर सचिव

New Delhi, the 22nd October, 2002

(INCOME TAX)

S. O. 166.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Bharatiya Bhasha Parishad, Kolkata” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 302/2002/F. No. 197/58/2000-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 22 अक्टूबर, 2002

(आयकर)

का. आ. 167.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “नौर्थ जोन कल्चरल सेंटर पटियाला (पंजाब)” को 1998-99 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेख-पुस्तिकाएं नहीं रखी जाती हों।
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियां और परिस्पर्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 305/2002/फा. सं. 197/132/2002-आ.क.नि-1]

आई. पी. एस. बिन्द्रा, अधर सचिव

New Delhi, the 22nd October, 2002

(INCOME TAX)

S. O. 167.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the

Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "North Zone Cultural Centre, Patiala (Punjab)" for the purpose of the said sub-clause for the assessment years 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 305/2002/F. No. 197/132/2002-ITA-I]
I. P. S. BINDRA, Under Secy.

नई दिल्ली, 25 अक्टूबर, 2002

(आयकर)

का. आ. 168.—आयकर अधिनियम, 1961 (1961 का 43)

की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "कांग्रेशन ऑफ क्रिश्चियन ब्रदर्श इन इण्डिया, कोलकाता" को 1990-91 से 1992-93 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के

रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न)
का निवेश नहीं करेगा अथवा उसे जम्म नहीं करवा सकेगा।

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) विघ्टन की स्थिति में अतिरिक्त राशियां और परिस्पर्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 326/2002/फा. सं. 197/36/93-आ.क.नि-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 25th October, 2002

(INCOME TAX)

S. O. 168.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Congregation of Christian Brothers in India, Kolkata" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 326/2002/F. No. 197/36/93-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 25 अक्टूबर, 2002

(आयकर)

का. आ. 169.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “सोसायटी फॉर प्रोमोशन ऑफ वेस्टलैंड डेवलपमेन्ट, नई दिल्ली” को 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) विघटन की स्थिति में अतिरिक्त गशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 328/2002/फा. सं. 197/218/2002-आ.क.नि-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 25th October, 2002

(INCOME TAX)

S. O. 169.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Society for Promotion of Wastelands Development, New Delhi” for the purpose of the said sub-clause for the assessment years 2002-03 to 2004-05 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 328/2002/F. No. 197/218/2002-JTA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 30 अक्टूबर, 2002

(आयकर)

का. आ. 170.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “अधिप्रशक्ति चेरिटेबल, मेडिकल, एजूकेशनल एण्ड कल्चरल ट्रस्ट, मेलमर्लवाथर” को 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फ़ाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 334/2002/फा. सं. 197/222/2002-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 30th October, 2002

(INCOME TAX)

S. O. 170.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Adhiprasakthi Charitable, Medical, Educational and Cultural Trust, Melmaruvathur” for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 334/2002/F. No. 197/222/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 30 अक्टूबर, 2002

(आयकर)

का. आ. 171.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वाहे “मारवाड़ी रिलीफ सोसायटी, कोलकाता” को वर्ष 1990-91 से 1992-93 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्वकर्ता वर्षों की किसी भी अवधि के दौरान धारा 11 की उपचारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुकूल स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तकाएं नहीं रखी जाती हों।
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फ़ाइल करेगा।
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 337/2002/फा. सं. 197/51/97-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 30th October, 2002

(INCOME TAX)

S. O. 171.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Marwari Relief Society, Kolkata” for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 337/2002/F. No. 197/51/97-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 15 नवम्बर, 2002

(आयकर)

का. आ. 172.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “इंडिया इन्टरनेशनल सेन्टर, नई दिल्ली” को वर्ष 2003-2004 से 2005-2006 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती हैं, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी नियि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विषट्टन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 338/2002/फा. सं. 197/224/2002-आ.क.नि.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 15th November, 2002

(INCOME TAX)

S. O. 172.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “India International Centre, New Delhi” for the purpose of the said sub-clause for the assessment years 2003-2004 to 2005-2006 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 338/2002/F. No. 197/224/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 15 नवम्बर, 2002

(आयकर)

का. आ. 173.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री रामचन्द्र मिशन, नई दिल्ली” को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण

वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुकूलित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विधान की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों काले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 339/2002/फा. सं. 197/217/2002-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 15th November, 2002

(INCOME TAX)

S. O. 173.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Shri Ram Chandra Mission, New Delhi" for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 339/2002/F. No. 197/217/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 20 नवम्बर, 2002

(आयकर)

का. आ. 174. —आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "चाइल्ड रिलीफ एण्ड यू (सी आर वाई), मुम्बई" को वर्ष 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त लाभ तथा अनुकूलित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेंगे;
- (v) विधान की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों काले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 342/2002/फा. सं. 197/178/2002-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 20th November, 2002
(INCOME TAX)

S. O. 174.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Child Relief and You (CRY), Mumbai" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 342/2002/F. No. 197/178/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 20 नवम्बर, 2002

(आयकर)

का. आ. 175.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "बम्बई ह्यूमैनिटरियन लीग, मुम्बई" को वर्ष 1996-97 से 1998-99 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा

- (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जंघाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) विषट्टन की स्थिति में अतिरिक्त राशियां और परिस्पर्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 343/2002/प. सं. 197/212/2001-आ.क्स.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 20th November, 2002

(INCOME TAX)

S. O. 175.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Bombay Humanitarian League, Mumbai" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 343/2002/F. No. 197/212/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 20 नवम्बर, 2002

(आयकर)

का. आ. 176.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “ब्रिफेन्स सिविलियन्स एंड फंड, नई दिल्ली” को वर्ष 1996-97 से 1998-99 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संबंधन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 344/2002/फ. सं. 197/111/2002-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 20th November, 2002

(INCOME TAX)

S. O. 176.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Defence Civilians Medical Aid Fund, New Delhi” for the purpose of the said sub-clause for the

assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 344/2002/F. No. 197/111/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 20 नवम्बर, 2002

(आयकर)

का. आ. 177.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “राजीव गांधी फाउंडेशन, नई दिल्ली” को वर्ष 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संबंधन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 345/2002/फ. सं.197/120/99-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 20th November, 2002

(INCOME TAX)

S. O. 177.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Rajiv Gandhi Foundation, New Delhi**” for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 345/2002/F. No. 197/120/99-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 26 नवम्बर, 2002

(आयकर)

का. आ. 178.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतदद्वाय “इन्स्टीच्यूट फॉर डेवलोपमेन्ट एण्ड कम्यूनिकेशन, चंडीगढ़” को वर्ष 1993-94 से 1995-96 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जावाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से मिलन) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 350/2002/फ. सं.197/100/97-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 26th November, 2002

(INCOME TAX)

S. O. 178.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Institute for Development and Communication, Chandigarh**” for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11.
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 350/2002/F. No. 197/100/97-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 13 दिसम्बर, 2002

(आयकर)

का. आ. 179.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दि. भारत स्काउट्स एंड गार्ड्स, नई दिल्ली” को वर्ष 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्जतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुकूल स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्रधिकारी के समक्ष फ़रहस्त करेगा।

(v) विष्टन की स्थिति में अग्रिमत राशियां और परिस्थितियां समान उद्देश्यों काले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 387/2002/फ. सं. 197/110/2002-आईटीए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 13th December, 2002

(INCOME TAX)

S. O. 179.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The Bharat Scouts & Guides, New Delhi” for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established.
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in anyone or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 387/2002/F. No. 197/110/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 13 दिसम्बर, 2002

(आयकर)

का. आ. 180.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “वालंटारि हेल्प एसोसिएशन आफ इंडिया, नई दिल्ली” को वर्ष 1998-1999 से 2000-2001 तक

के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 388/2002/फ. सं. 197/190/2002-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 13th December, 2002

(INCOME TAX)

S. O. 180.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Voluntary Health Association of India, New Delhi” for the purpose of the said sub-clause for the assessment years 1998-1999 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established.
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in anyone or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 388/2002/F. No. 197/190/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 13 दिसम्बर, 2002

(आयकर)

का. आ. 181.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “इंडियन एसोसिएशन आफ वीमेन्स स्टडीज, नई दिल्ली” को वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 389/2002/फ. सं. 197/120/2002-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 13th December, 2002

(INCOME TAX)

S. O. 181.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Indian Association of Women’s Studies, New Delhi**” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) That in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 389/2002/F. No. 197/120/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 13 दिसम्बर, 2002

(आयकर)

का. आ. 182.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतदद्वारा “चिल्ड्रेन बुक ट्रस्ट, नई दिल्ली” को वर्ष 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा

(5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कार निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर-अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और चरिस्यतियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 390/2002/फ. सं. 197/70/2002-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 13th December, 2002

(INCOME TAX)

S. O. 182.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Children Book Trust, New Delhi**” for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 390/2002/F. No. 197/70/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 13 दिसम्बर, 2002

(आयकर)

का. आ. 183.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “केरल मोटर ट्रांसपोर्ट वर्कर्स वेलफेयर फंड बोर्ड, कोल्लम” को वर्ष 1986-1987 से 1988-1989 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी और इसका कोई भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा।

[अधिसूचना सं. 391/2002/फा. सं. 197/108/2002-आई.टी.ए.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 13th December, 2002

(INCOME TAX)

S. O. 183.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government

hereby notifies the “Kerala Motor Transport Workers Welfare Fund Board, Kellam” for the purpose of the said sub-clause for the assessment years 1986-1987 to 1988-1989 subject to the following conditions, namely :—

- the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 391/2002/F. No. 197/108/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 13 दिसम्बर, 2002

(आयकर)

का. आ. 184.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “केरल मोटर ट्रांसपोर्ट वर्कर्स वेलफेयर फंड बोर्ड, कोल्लम” को वर्ष 1990-1991 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विषट्टन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी और उसका कोई भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा।

[अधिसूचना सं. 392/2002/फ. सं. 197/108/2002—आई.टी.ए.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 13th December, 2002

(INCOME TAX)

S. O. 184.—In exercise of the powers conferred by the sub-clause (iv) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Kerala Motor Transport Workers Welfare Fund Board, Kollam” for the purpose of the said sub-clause for the assessment years 1990-91 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 392/2002/F. No. 197/108/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 13 दिसम्बर, 2002

(आयकर)

का. आ. 185.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वाया “पेट्रोटेक, पेट्रोटेक से एकरेटरिएट, नई दिल्ली” को वर्ष 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती, उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपथरा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) विषट्टन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 393/2002/फ. सं. 197/235/2002—आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 13th December, 2002

(INCOME TAX)

S. O. 185.—In exercise of the powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Petrotech, Petrotech Secretariat, New Delhi” for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 393/2002/F. No. 197/235/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 13 दिसम्बर, 2002

(आयकर)

का. आ. 187.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के छंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतदद्वारा “कृष्णामूर्ति फाउण्डेशन, चेन्नई” के माध्यम से समसंस्कृक फाइल से जारी दिनांक 3-9-2002 की अधिसूचना सं. 233/2002 में निम्नलिखित संशोधन करती हैः—

उक्त संस्था का नाम “कृष्णामूर्ति फाउण्डेशन, चेन्नई” के बजाय “कृष्णामूर्ति फाउण्डेशन इंडिया, चेन्नई” पढ़ा जाए।

2. उक्त अधिसूचना की अन्य सभी विषयवस्तु अपरिवर्तित रहेंगी।

[अधिसूचना सं. 394/2002/प्र. सं. 197/184/2002-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

CORRIGENDUM

New Delhi, the 13th December, 2002

(INCOME TAX)

S. O. 186.—In exercise of the powers conferred by the Sub-clause (iv) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the Notification

No. 233/2002 dated 03-09-2002 in the case of “Krishnamurthy Foundation, Chennai” issued from the file of even number :—

The name of the institution shall be read as “Krishnamurti Foundation India, Chennai” instead of “Krishnamurthy Foundation, Chennai”.

2. All other contents of the said notification shall remain unchanged.

[Notification No. 394/2002/F. No. 197/184/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 13 दिसम्बर, 2002

(आयकर)

का. आ. 187.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के छंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतदद्वारा “द सोसाईटी फॉर एफो-एशियन एसोसिएशन ऑफ पेट्रोलियम जियोकेमिस्ट्स नई दिल्ली” को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फनीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 395/2002/प्र. सं. 197/234/2002-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 13th December, 2002
(INCOME TAX)

S. O. 187.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The Society for Afro-Asian Association of Petroleum Geochemists, New Delhi” for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 395/2002/F. No. 197/234/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 13 दिसम्बर, 2002

(आयकर)

का. आ. 188.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “के. डी. मालवीय नेशनल आयल म्यूजियम, नई दिल्ली” को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि) के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों द्वारा धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 396/2002/फ. सं. 197/213/2002-आ.क.नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 13th December, 2002

(INCOME TAX)

S. O. 188.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “K. D. Malviya National Oil Museum, New Delhi” for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above

otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 396/2002/F. No. 197/213/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 27 दिसम्बर, 2002

(आयकर)

का. आ. 189.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “डायोसीज आफ औरंगाबाद, औरंगाबाद” को वर्ष 1992-93 से 1994-95 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अवधि एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे

कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विधान की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 401/2002/फ. सं. 197/83/2001-आईटीए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 27th December, 2002

(INCOME TAX)

S. O. 189.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Diocese of Aurangabad, Aurangabad” for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 401/2002/F. No. 197/83/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 27 दिसम्बर, 2002

(आयकर)

का. आ. 190.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “महाराष्ट्र स्टेट वीमेन्स, काउंसिल, मुम्बई” को वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुकूल स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जामा नहीं करवा सकेगा;
- यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 402/2002/प. सं. 197/179/2002-आईटीए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 27th December, 2002

(INCOME TAX)

S. O. 190.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Maharashtra State Women’s Council, Mumbai” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the

forms or modes specified in sub-section (5) of Section 11;

- this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 402/2002/F. No. 197/179/2002-ITA-I]

I. P. S. BINDRA, Under Secy:

नई दिल्ली, 27 दिसम्बर, 2002

(आयकर)

का. आ. 191.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “महाराष्ट्र एनर्जी डेवलपमेंट एजेंसी, मुम्बई” को वर्ष 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुकूल स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जामा नहीं करवा सकेगा;
- यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 403/2002/प. सं. 197/175/2002-आईटीए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 27th December, 2002
(INCOME TAX)

S. O. 191.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Maharashtra Energy Development Agency, Mumbai**” for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 403/2002/F. No. 197/175/2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 7 जनवरी, 2003

(आगकर)

का. आ. 192.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवंद्वारा “एल आर जी रंगनाथकी एम्प्ल चेरिटीज, कोयंबटोर” को वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अथवा :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-

जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विषटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 1/2003/F. सं. 197/119/2002-आईटीए-1]

श्रीमती प्रोमिला भारद्वाज, निदेशक

New Delhi, the 7th January, 2003

(INCOME TAX)

S. O. 192.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**LRG Ranganayaki Ammal Charities, Coimbatore**” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 1/2003/F. No. 197/119/2002-ITA-II]

MRS. PROMILA BHARDWAJ, Director

नई दिल्ली, 7 जनवरी, 2003
(आयकर)

का. आ. 193.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा “एसोसिएशन ऑफ मेट्रोपोलिटन डेवलपमेंट ऑथोरिटीज, नई दिल्ली” को वर्ष 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 2/2003/पा. सं. 197/112/2002-आईटीए-1]

श्रीमती प्रेमिला भारद्वाज, निदेशक
New Delhi, the 7th January, 2003
(INCOME-TAX)

S. O. 193.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Association of Metropolitan Development Authorities, New Delhi” for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture

etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 2/2003/F. No. 197/112/2002-ITA-I]

MRS. PROMILA BHARDWAJ, Director

नई दिल्ली, 7 जनवरी, 2003
(आयकर)

का. आ. 194.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा “महर्षि वेद विज्ञान विश्व विद्या पीढ़ी, नई दिल्ली” को वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।

(v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 3/2003/पर. सं. 197/87/2002-आई टी ए-I]
त्रीमती प्रोमिला भारद्वाज, निदेशक

New Delhi, the 7th January, 2003
(INCOME-TAX)

S. O. 194.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Maharishi Ved Vigyan Vishwa Vidya Peetham, New Delhi**” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 3/2003/F. No. 197/87/2002-ITA-I]

MRS. PROMILA BHARDWAJ, Director
नई दिल्ली, 7 जनवरी, 2003

(आयकर)

का. आ. 195.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपर्युक्त (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “टैगोर सोसायटी फार रुरल डेवलपमेंट, कोलकाता” को वर्ष 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है।
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपथारा

(5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।

(v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 4/2003/पर. सं. 197/53/2002-आयकर नि.-I]
त्रीमती प्रोमिला भारद्वाज, निदेशक

New Delhi, the 7th January, 2003

(INCOME-TAX)

S. O. 195.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Tagore Society for Rural Development, Kolkata**” for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 4/2003/F. No. 197/53/2002-ITA-I]

MRS. PROMILA BHARDWAJ, Director

नई दिल्ली, 7 जनवरी, 2003

(आयकर)

का. आ. 196.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “बंगाल सोशियल सर्विसेज लीग, कोलकाता” को वर्ष 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरत, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 5/2003/पम. सं. 197/118/2002-आईटीए-1]

त्रीमती प्रोमिला भारद्वाज, निदेशक
New Delhi, the 7th January, 2003
(INCOME TAX)

S. O. 196.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Bengal Social Services League, Kolkata” for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned

above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 5/2003/F. No. 197/118/2002-ITA-I]

Mrs. PROMILA BHARDWAJ, Director

नई दिल्ली, 7 जनवरी, 2003

(आयकर)

का. आ. 197.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “स्वामी रामानन्द सीर्थ मेमोरियल कमेटी, हैदराबाद” को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक छंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरत, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 6/2003/पम. सं. 197/262/2002-आईटीए-1]

त्रीमती प्रोमिला भारद्वाज, निदेशक

New Delhi, the 7th January, 2003
(INCOME TAX)

S. O. 197.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Swami Ramananda Tirtha Memorial Committee, Hyderabad**” for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 6/2003/F. No. 197/262/2002-ITA-I]

Mrs. PROMILA BHARDWAJ, Director
ई. दिल्ली, 7 जनवरी, 2003
(आयकर)

का. आ. 198.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दि एशियाटिक सोसायटी, आफ बाबू, मुम्बई” को वर्ष 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-

जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निषेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-युक्तिकार्य नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिस्पर्यात्मियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 7/2003/फ. सं. 197/126/2002-आईटी-1]

प्रीमती प्रेमिला भारद्वाज, निदेशक

New Delhi, the 7th January, 2003

(INCOME TAX)

S. O. 198.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**The Asiatic Society of Bombay, Mumbai**” for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives.

[Notification No. 7/2003/F. No. 197/126/2002-ITA-I]

Mrs. PROMILA BHARDWAJ, Director

नई दिल्ली, 7 जनवरी, 2003

(आयकर)

का.आ. 199.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 138 की उप-धारा (1) के खंड (क) के उप-खंड (ii) के अनुसरण में केन्द्रीय सरकार एतद्वारा केन्द्रीय भविष्य निधि आयुक्त कर्मचारी भविष्य-निधि संगठन, भारत अथवा ऐसे विशिष्ट मामले के संबंध में उनके द्वारा लिखित रूप में विधित प्राधिकृत कोई अन्य अधिकारी जो क्षेत्रीय भविष्य-निधि आयुक्त के रैंक से नीचे का न हो, को उक्त उप-खंड के उद्देश्य के लिए विनिर्दिष्ट करती है।

[अधिसूचना 9/2003/फा. सं. 225/117/2002-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 7th January, 2003

(INCOME TAX)

S.O. 199.—In pursuance of sub-clause (ii) of clause (a) of Sub-section (1) of Section 138 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specify Central Provident Fund Commissioner, Employees' Provident Fund Organisation, India or any other officer, not below the rank of Regional Provident Fund Commissioner, duly authorised by him in writing in respect of such specific case for the purpose of the said sub-clause.

[Notification No. 9/2003/F. No. 225/117/2002/ITA.II]

SANGEETA GUPTA, Director (ITA. II)

आदेश

नई दिल्ली, 7 जनवरी, 2003

का.आ. 200.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अंतर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/55/2002-सी.यू.एस. VIII, दिनांक 20-11-2002 को जारी किया और यह निर्देश दिया कि श्री सुशील पारेख, सुपुत्र स्वर्गीय श्री बच्च राज पारेख, निवासी 11ए, अदिति अपार्टमेंट, (प्रथम तल), बलीगंज सर्कुलर रोड, कोलकाता-700019 (वैकल्पिक पता:—प्रोपराईट, ऐसर्स सिक्योर इंटरनेशनल, 8 गणेश चंद एवेन्यू, साहा कोर्ट, प्रथम तल, कोलकाता-700013) को निरुद्ध कर लिया जाए और प्रेसीडेंसी जेल, कोलकाता में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, कोलकाता के सम्मुख उपस्थित हो।

राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, कोलकाता के सम्मुख उपस्थित हो।

[फा. सं. 673/55/2002-सी.यू.एस. VIII]

वी.के. खन्ना, अवर सचिव (कोफेपोसा)

ORDER

New Delhi, the 7th January, 2003

S.O. 200.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/55/2002-Cus. VIII, dated 20-11-2002 under the said sub-section directing that Shri Sushil Parakh S/o Late Shri Bachh Raj Parakh, R/o 11A, Aditi Apartment (1st Floor), Ballygunge Circular Road, Kolkata-700019, (Alternative Address : Proprietor M/s. Secure International, 8, Ganesh Chandra Avenue, Saha Court, 1st Floor, Kolkata-700 013) be detained and kept in custody in the Presidency Jail, Kolkata with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (B) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Kolkata within 7 days of the publication of this order in the Official Gazette.

[F.No. 673/55/2002-Cus. VIII]

V.K. KHANNA, Under Secy. (COFEPOSA)

आदेश

नई दिल्ली, 7 जनवरी, 2003

का.आ. 201.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अंतर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/56/2002-सी.यू.एस. VIII, दिनांक 20-11-2002 को जारी किया और यह निर्देश दिया कि श्री अनिल कुमार महेनसरिया, सुपुत्र स्वर्गीय श्री गोपीराम महेनसरिया, निवासी 2ए गिरीश एवेन्यू कोलकाता-700003 (वैकल्पिक पता:— (1) 6, थूड स्ट्रीट, कोलकाता-700016, (2) 6, लोडन स्ट्रीट, कोलकाता-700017, (3) 2, रोयड स्ट्रीट, कोलकाता-700 016) को निरुद्ध कर लिया जाए और प्रेसीडेंसी जेल, कोलकाता में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, कोलकाता के सम्मुख उपस्थित हो।

[फा. सं. 673/56/2002-सी.यू.एस. VIII]

वी.के. खन्ना, अवर सचिव (कोफेपोसा)

ORDER

New Delhi, the 7th January, 2003

S.O. 201.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/56/2002-Cus. VIII, dated 20-11-2002 under the said sub-section directing that Shri Anil Kumar Mahensaria, S/o Late Shri Gopiram Mahensaria, R/o 2A, Girish Avenue, Kolkata-700 003, Alternative Address : (1) 6, Wood Street, Kolkata-700 016 (2) 6, Loudon Street, Kolkata-700 017 (3) 2, Royd Street, Kolkata-700 016 be detained and kept in custody in the Presidency Jail, Kolkata with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Kolkata within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/56/2002-Cus. VIII]

V.K. KHANNA, Under Secy. (COFEPOSA)

केन्द्रीय उत्पाद शुल्क पुणे-I के आयुक्त का कार्यालय

पुणे, 16 दिसम्बर, 2002

संख्या 02/2002-केन्द्रीय उत्पाद शुल्क (नॉन टैरिफ)

का.आ. 202.—भारत सरकार, वित्त मंत्रालय राजस्व विभाग, नई दिल्ली द्वारा दिनांक 01-07-94 को जारी की गयी अधिसूचना संख्या 33/94-सीमा शुल्क (नॉन टैरिफ) के अधीन मुझे प्रदान किए गए अधिकारों का उपयोग करते हुए, मैं, श्री. डी. एस. सरा, आयुक्त, केन्द्रीय उत्पाद शुल्क पुणे आयुक्तालय, एतद्वारा, महाराष्ट्र राज्य के पुणे जिले के मुलशी तहसील के ताथवडे ग्राम परिसर को, सीमा शुल्क अधिनियम 1962 (1962 का 52) की धारा 9 की व्यवस्थाओं के अधीन, शतप्रतिशत निर्यातलक्ष्यी यूनिट स्थापना के प्रयोजन से, बेअरहाऊसिंग स्टेशन घोषित कर रहा हूँ।

[फाइल संख्या : बी.जी.एन. (19) ओ.एम-18/2002]

डी. एस. सरा, आयुक्त

OFFICE OF THE COMMISSIONER OF CENTRAL
EXCISE, PUNE-I

Pune, the 16th December, 2002

No. 02/2002-C.E.(NT)

S.O. 202.—In exercise of the powers conferred on me by the Notification No. 33/94-CUS (NT) dated

01-7-1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I, D.S. SRA, Commissioner of Central Excise, Pune-I Commissionerate, Pune, hereby declare Village-Tathwade, Taluka-Mulshi, District-Pune in the State of Maharashtra to be Warehousing Station under Section 9 of the Customs Act, 1962 (52 of 1962) for setting up of 100% EOUs.

[F. No. VGN (19) OM-18/2002]

D.S. SRA, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 10 जनवरी, 2003

का.आ. 203.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) और खंड 8 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरज) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री के. एन. पृथ्वीराज, इस समय पंजाब नैशनल बैंक में महाप्रबंधक, को उनके कार्यभार ग्रहण करने की तारीख से 31 मार्च, 2007 अर्थात् जिस माह में वह अधिवर्जिता की आयु प्राप्त करेंगे उसके अंतिम दिन तक की अवधि के लिए या अगला आदेश होने तक, युनाइटेड बैंक ऑफ इंडिया के पूर्णकालिक निदेशक (कार्यपालक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा.सं. 9/19/2002-बीओ-I]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 10th January, 2003

S.O. 203.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri K. N. Prithviraj, presently General Manager, Punjab National Bank as a whole time director (designated as the Executive Director) of United Bank of India for the period from the date of his taking charge and upto 31st March, 2007 i.e. the last day of the month in which he would attain the age of superannuation or until further orders.

[F. No. 9/19/2002-B.O.I]

RAMESH CHAND, Under Secy.

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 9 जनवरी, 2003

का. आ. 204—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक, राजस्थान राज्य में चाकसू से होती हुई पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए “सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत व चाकसू-मथुरा सेक्षणों के संवर्जन” के कार्यान्वयन लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा के लिए एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंड्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पाइपलाइन प्रभाग पो. बा. सं. 4, डाकघर- विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

लाइसेंस : बेचकड़ी

जिला : मङ्गसाणा

राज्य : गुजरात

झाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
अंसोल	306	1	0	01	13
	306	2	0	08	53

[फा. सं. आर-250119/2001-ओ.आर-1]

रेतुका कुमार, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 9th January, 2003

Notification

S. O. 204.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura pipeline System";

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section-1 of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri R.M. Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P.B.No.4, P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : BECHARAJI		District : MEHSANA		State : GUJARAT		
Name of the Village	Survey no.	Sub-Division no.	Area			Sq.mtr.
			Hectare	Are	6	
1	2	3	4	5	6	
ANSJOL	306	1	0	01	13	
	306	2	0	08	53	

[No. R-25011/92001-O.R.-II
RENUKA KUMAR, Under Secy.

नई दिल्ली, 9 जनवरी, 2003

का.आ. 205.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक, राजस्थान राज्य में चाकसू से होती हुई पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए “रमलाया-मथुरा पाइपलाइन” प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत व चाकसू-मथुरा सेक्शनों के संबद्धन” के कार्यान्वयन लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा के लिए एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की धोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितावहन है, उस तारीख से जिसको, उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंड्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पाइपलाइन प्रभाग पो. बा. सं. 4, डाकघर- विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालूका : बेदराजी		जिला : महेसाणा		राज्य : गुजरात		
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल			
			हेक्टर	एकर	वर्ग मीटर	
1	2	3	4	5	6	
करणसागर	235	पी4	0	00	10	
	235	पी3	0	12	04	
	235	पी2	0	28	12	

[फा. सं. आर-25011/9/2001-ओ.आर-।।

रेनुका कुमार, अवर सचिव

New Delhi, the 9th January, 2003

S. O. 205.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura pipeline System";

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section-1 of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri R.M. Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P.B.No.4, P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : BECHARAJI		District : MEHSANA		State : GUJARAT		
Name of the Village	Survey no.	Sub-Division no.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
KARANSAGAR	235	P4	0	00	10	
	235	P3	0	12	04	
	235	P2	0	28	12	

[No. R-25011/9/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 9 जनवरी, 2003

का.आ. 206.— केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक, राजस्थान राज्य में चाकसू से होती हुई पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा “सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत व चाकसू-मथुरा सेक्षनों के संवर्द्धन” के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि वह भूमि जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर. एम. पंड्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, सलाया मथुरा पाइपलाइन (संवर्द्धन) परियोजना पो. बा. सं. 4, डाकघर- विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालूका : सिंधपुर		जिला : पाटण		राज्य : गुजरात		
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल			
			हेक्टर	एयर.	वर्ग मीटर	
1	2	3	4	5	6	
सिंधपुर	456	1	0	10	91	
	457	2	0	00	65	
	455	2	0	05	88	
सुजाणपुर	350	-	0	12	25	

[फा. सं. आर-25011/19/2001-ओ.आर-1]

रेनुका कुमार, अवर सचिव

New Delhi, the 9th January, 2003

S. O. 206.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura pipeline System";

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section-1 of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri R.M. Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P.B.No.4, P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

SCHEDULE

Taluka : SIDHPUR		District : PATAN		State : GUJARAT		
Name of the Village	Survey no.	Sub-Division no.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
SIDHPUR	456	1	0	10	91	
	457	2	0	00	65	
	455	2	0	05	88	
SUJANPUR	350	-	0	12	25	

[No. R-25011/19/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 9 जनवरी, 2003

का. आ. 207.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) कि धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2961 तारीख 2 नवम्बर 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील नसीराबाद, जिला अजमेर की भूमि में सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू चाकसू-पानीपत और चाकसू-मथुरा सेक्षणों के संवर्द्धन के क्रियान्वयन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा गुजरात राज्य में विरमगाम से राजस्थान राज्य में चाकसू से होते हुए हरियाणा राज्य में पानीपत तक अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन विछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी। पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3 की उप-धारा (1) के अधीन जारी गौव मावशिया और सुरजपुरा के कुछ खसरा संख्याओं की बाबत धारा 3 (1) के अधीन संशोधनकारी अधिसूचना संख्या का. आ. 2684 तारीख 16 अगस्त 2002 के अधिन जारी की गयी थी।

और उक्त संशोधनकारी अधिसूचना की प्रतियाँ साधारण जनता को तारीख 31 अगस्त 2002 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि के उपयोग का अधिकार अर्जित किया जाता है;

और केन्द्रीय सरकारी, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त, इंडियन ऑयल कॉरपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील: नसीराबाद

जिला: अजमेर

राज्य: राजस्थान

गौव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
मावशिया	395	0	01	85
सुरजपुरा	457	0	04	17

[फा. सं. आर-25011/39/2001-ओ.आर।]

रेतुका कुमार, अवर सचिव

New Delhi, the 9th January, 2003

S.O. 207.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No. 2961 dated 02.11.2001 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Nasirabad, District : Ajmer in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura Pipeline System Project. An Amendment notification to notification U/s 3(1) in respect of certain Khasara Numbers of Village : Mawshiya and Surajpura issued under sub-section (i) of Section 3 of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, was issued under S.O. No.2686 dated 16.08.2002

And whereas, copy of the said Amendment notification was made available to the general public on 31.08.2002;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil: Nasirabad

District : Ajmer

State : Rajasthan

Name of Village	Khasra No.	Area		
		Hectare	Are	Sq. mtr.
1	2	3	4	5
Mawshiya	395	0	01	85
Surajpura	457	0	04	17

[No. R-25011/39/2001-C.R.-II]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 9 जनवरी, 2003

का. आ. 208.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है।) कि धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2687तारीख 16 अगस्त 2002 द्वारा इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट राजस्थान राज्य की तहसील नसीराबाद, जिला अजमेर की भूमि में सल्लाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेक्षनों के संवर्द्धन के क्रियान्वयन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा गुजरात राज्य में विरमगाम से राजस्थान राज्य में चाकसू से होते हुए हरियाणा राज्य में पानीपत तक अपरिष्कृत तेल के परिवहन के लिए पाइप लाइन बिछाने के लिए उपयोग के लिए अधिकार का अर्जन करने के लिए अपने आशय की घोषना की थी।

और उक्त अधिसूचना की प्रतियाँ साधारण जनता को तारीख 31 अगस्त 2002 को उपलब्ध करती दी गई थीं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील: नसीराबाद

जिला: अजमेर

राज्य: राजस्थान

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एकर	वर्ग मीटर
1	2	3	4	5
मावशिया	सनोद	4664	0	20
		4700	0	28
		4701	0	04
		4703	0	01
		1535 मिन	0	08
		1500 मिन	0	04
सुरजपुरा		350 मिन	0	09
		459 मिन	0	03

New Delhi, the 9th January, 2003

S. O. 208.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 2687 dated 16.08.2002 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Nasirabad, District : Ajmer in Rajasthan State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura sections of Salaya-Mathura Pipeline System Project;

And whereas, copy of the said notification was made available to the general public on 31.08.2002;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil: Nasirabad

District : Ajmer

State : Rajasthan

Name of Village	Khasra No.	Area		
		Hectare	Are	Sq. mtr.
1	2	3	4	5
Sanod	4664	0	20	98
	4700	0	28	75
	4701	0	04	20
	4703	0	01	42
Mawshiya	1535 Min	0	08	45
	1500 Min	0	04	91
	350 Min	0	09	88
Surajpura	459 Min	0	03	55

नई दिल्ली, 9 जनवरी, 2003

का. आ. 209.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य की रिफाइनरियों से राजस्थान राज्य में कोटा (बुन्दी) तक और मध्य प्रदेश राज्य में रतलाम, इन्दौर, इटारसी से होती हुई महाराष्ट्र राज्य में नागपुर तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनैट - सी आई लिमिटेड द्वारा पाईपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाईपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में जिसके भीतर पाईपलाइन बिछाये जाने का प्रस्ताव है और जो इस अधिसूचना से उपाय अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाय;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशीत अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, ईककीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के भीतर पाईपलाइन बिछाने के सम्बन्ध में श्री एस. व्ही घिरणीकर, सक्षम प्राधिकारी सी.आई.पी. एल. प्राजेक्ट, पेट्रोनैट सी, आई. लिमिटेड 20, क्लार्क टाउन, नागपुर - 440004 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसिल : हिंगणा

जिला : नागपूर

राज्य : महाराष्ट्र

गाँव का नाम	खसरा संख्या	हेक्टेयर	क्षेत्रफल	
			एयर	वर्ग मीटर
मंगलूळ	1	2	3	4
	101	0	27	54
	98	0	29	70
	92/A	0	00	68
	91/A	0	55	17
सिनका	87	0	00	20
	86	0	05	76
	85	0	15	12
	84	0	14	04
	83	0	09	90
	82	0	31	50
	77	0	11	16
गिरोला	96/1	0	00	20
	109/1	0	14	40
	109/2	0	20	70
	110	0	12	78
	111	0	00	20
	106/2	0	10	98
	117	0	09	54
	116/1	0	09	54
	116/2	0	09	90
	116/3	0	09	90
	132	0	22	32
	131	0	21	96
	130	0	04	50
	125	0	17	82
	124	0	27	00
	165	0	15	84
	167	0	11	88
	8	0	00	84
	9	0	10	62
	10	0	10	62
	5/B	0	18	00
	32	0	20	16
	31/B	0	07	20
	18/A	0	22	50
	18/B	0	09	00

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेवटेयर	एयर	वर्ग मीटर
1	2	3	4	5
	21	0	22	86
	22	0	23	40
धानोली	137/1	0	25	20
	138/1	0	26	10
	140	0	18	90
	141	0	09	90
	122	0	21	60
	121	0	27	00
	96	0	17	10
	98	0	13	68
	99	0	09	54
	100	0	13	32
	101	0	03	96
	94/1	0	10	80
	94/2	0	00	20
	103	0	18	54
	104	0	05	40
	41	0	00	20
	38	0	11	16
	36	0	26	10
	33/1	0	45	00
	28	0	17	64
	27	0	15	30
	25	0	18	90
	24	0	32	85
	20	0	12	24
किन्ही (धानोली)	241	0	03	60
	220	0	25	20
	221	0	06	12
	214/1	0	28	80
	214/2	0	08	10
	207	0	00	20
	208	0	18	36
	199	0	02	70
	198	0	08	10
	196	0	05	40
	195	0	26	64
	176	0	00	20
	175	0	11	16
	169	0	06	30
	170	0	21	78

गाँव का नाम	खसरा संख्या	हेक्टेयर	क्षेत्रफल	वर्ग अमीटर
1	2	3	4	05
	167	0	29	70
	164	0	09	90
	163	0	10	80
	160	0	19	98
	159/B	0	17	10
	158	0	21	96
	101/1	0	15	66
नांदाखुद	85	0	17	10
	83	0	20	70
	82	0	08	82
	77	0	07	20
	78	0	20	70
	75	0	06	30
	74	0	30	06
	73	0	06	84
	66	0	26	17
	69	0	00	75
	67	0	05	40
	68	0	12	78
उखली	5	0	15	48
	134	0	08	10
	133	0	27	90
	141	0	20	16
	142	0	19	98
	144	0	21	60
	145	0	20	70
	48	0	32	22
	49	0	07	02
	53	0	25	20
	76/1	0	19	08
	73/2	0	35	64
	73/1	0	25	74
पांजरी	89	0	00	20
	90	0	14	94
	91	0	20	16
	138	0	00	89
	136	0	25	74
	137	0	12	78
	139/1	0	00	20
	135	0	22	14

गाँव का नाम	खसरा संख्या	हेक्टेयर	क्षेत्रफल	वर्ग मीटर
	2	3	4	05
	134	0	03	60
	124	0	00	20
	132	0	02	70
	131	0	28	80
	130/1	0	15	30
	130/2	0	05	04
	155	0	04	32
	148	0	19	26
	147	0	18	90
	145	0	11	88
	144	0	15	30
	143	0	03	42
	26	0	01	80
	27	0	23	04
	31	0	08	10
	32	0	16	92
	33/1	0	23	40
	34	0	04	68
	20/A-1&2	0	04	35
	36	0	13	50
	37	0	13	68
	38	0	91	80
झोड़ा	20	0	00	20
	19	0	10	80
	15	0	15	30
लाडगाव	21	0	38	70
	22/1	0	36	18
	22/2	0	00	20
	19/1	0	18	00
	18/2	0	15	30
	18/1	0	00	20
	17/2	0	28	08
	17/1	0	15	30
	15	0	18	00
	14	0	26	82
	13	0	17	64
	16/1	0	00	20
	132	0	13	50
	131/2	0	13	50
	131/1	0	14	94
	131/3	0	14	94

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एक्टर	वर्ग मीटर
1	2	3	4	05
	134/3	0	15	12
	139	0	13	50
	136	0	31	14
	148	0	37	26
	149/1	0	23	04
मेनखात	1	0	15	48
	3/B	0	44	10
	6	0	08	10
	5	0	20	88
	3/A	0	04	50
	4	0	23	22
	71	0	16	56
	70	0	16	56
	64	0	38	16
	62/2	0	30	60
	62/1	0	41	40
दाताल्ल	65	0	22	61
	44/2	0	00	25
	43	0	14	40
	42	0	16	20
	41/A	0	02	54
	41/B	0	42	84
	33B/3	0	00	75
	34/A	0	12	06
	34/B	0	07	92
	35	0	16	56
	36	0	16	20
	30	0	25	20
	28	0	06	46
	29	0	09	90
	25	0	10	50
	24	0	32	58
	22	0	00	66
सलाई धाबा	38	0	00	34
	39	0	18	00
	40	0	22	32
	41	0	00	54
	57	0	41	40
	62	0	44	82
	67	0	35	46

गाँव का नाम ठानी	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	05
	68	0	00	20
	66	0	26	64
	65	0	07	38
	75	0	34	20
	76	0	24	66
	79	0	00	20
	130	0	00	70
	129/ 1	0	13	14
	129/2	0	20	34
	128/2	0	41	76
	104	0	21	60
	103	0	00	20
	98/2	0	08	82
	100/A	0	37	80
	100/B	0	35	82
किरमीटी	12	0	08	64
	11/1	0	21	24
	11/2	0	12	78
	10	0	13	14
	9/B	0	00	60
	28/A	0	37	26
	29	0	00	97
	30	0	91	44
	67	0	14	40
	46	0	46	44
	70	0	14	40
	43	0	01	48
	42	0	06	30
	41	0	06	30
	71/A	0	10	80
	71/C	0	10	80
	71/B	0	10	80
किन्ही (बु)	55	0	20	34
	56	0	10	80
	58	0	14	40
	61	0	16	74
	63	0	19	26
	65	0	14	76
	66	0	32	58
	70	0	44	28
	69	0	46	98

गाँव का नाम 1	ख्रसरा संख्या 2	हेक्टेयर 3	क्षेत्रफल		वर्ग मीटर 05
			एयर 4		
सुकली	34	0	10		62
	33/B	0	11		34
	33/A	0	05		40
	32	0	31		50
	31	0	16		20
	30	0	36		36
	4	0	27		36
	67	0	61		20
बिडगणेशपुर	44/D	0	01		50

[फा. सं. आर-25011/40/2002-ओ.आर-१]

रेनुका कुमार, अवर सचिव

New Delhi, the 9th January, 2003

S. O. 209.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from refineries in the state of Gujarat to Kota (Bundi) in Rajasthan State and Nagpur in Maharashtra State via Ratlam, Indore & Itarsi in Madhya Pradesh State, a pipeline should be laid by Petronet C.I. Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act- 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri. S.V. Ghirnikar, Competent Authority, CIPL Project of Petronet C.I. Limited, 20-Clarke Town, Nagpur 440004, Maharashtra.

SCHEDULE

Tahsil: Hingna

District : Nagpur

State : Maharashtra

Name of Village	Khasra No.	Hectare	Area	
			Are	Sq. mtr.
1 MANGRUL	2	3	04	05
	101	0	27	54
	98	0	29	70
	92/A	0	00	68
	91/A	0	55	17
SINKA	87	0	00	20
	86	0	05	76
	85	0	15	12
	84	0	14	04
	83	0	09	90
	82	0	31	50
	77	0	11	16
GIROLA	96/1	0	00	20
	109/1	0	14	40
	109/2	0	20	70
	110	0	12	78
	111	0	00	20
	106/2	0	10	98
	117	0	09	54
	116/1	0	09	54
	116/2	0	09	90
	116/3	0	09	90
	132	0	22	32
	131	0	21	96
	130	0	04	50
	125	0	17	82
	124	0	27	00
	165	0	15	84
	167	0	11	88
	8	0	00	84
	9	0	10	62
	10	0	10	62
	5/B	0	18	00
	32	0	20	16
	31/B	0	07	20
	18/A	0	22	50
	18/B	0	09	00

Name of Village	Khasra No.	Hectare	Area	
			Are	Sq. mtr.
1	2	3	04	05
	21	0	22	86
	22	0	23	40
DHANOLI	137/1	0	25	20
	138/1	0	26	10
	140	0	18	90
	141	0	09	90
	122	0	21	60
	121	0	27	00
	96	0	17	10
	98	0	13	68
	99	0	09	54
	100	0	13	32
	101	0	03	96
	94/1	0	10	80
	94/2	0	00	20
	103	0	18	54
	104	0	05	40
	41	0	00	20
	38	0	11	16
	36	0	26	10
	33/1	0	45	00
	28	0	17	64
	27	0	15	30
	25	0	18	90
	24	0	32	85
	20	0	12	24
KINHI (Dhanoli)	241	0	03	60
	220	0	25	20
	221	0	06	12
	214/1	0	28	80
	214/2	0	08	10
	207	0	00	20
	208	0	18	36
	199	0	02	70
	198	0	08	10
	196	0	05	40
	195	0	26	64
	176	0	00	20
	175	0	11	16
	169	0	06	30
	170	0	21	78

Name of Village	Khasra No.	Hectare	Area	
			Are	Sq. mtr.
1	2	3	04	05
	167	0	29	70
	164	0	09	90
	163	0	10	80
	160	0	19	98
	159/B	0	17	10
	158	0	21	96
	101/1	0	15	66
NANDAKHURD	85	0	17	10
	83	0	20	70
	82	0	08	82
	77	0	07	20
	78	0	20	70
	75	0	06	30
	74	0	30	06
	73	0	06	84
	66	0	26	17
	69	0	00	75
	67	0	05	40
	68	0	12	78
UKHALI	5	0	15	48
	134	0	08	10
	133	0	27	90
	141	0	20	16
	142	0	19	98
	144	0	21	60
	145	0	20	70
	48	0	32	22
	49	0	07	02
	53	0	25	20
	76/1	0	19	08
	73/2	0	35	64
	73/1	0	25	74
PANJARI	89	0	00	20
	90	0	14	94
	91	0	20	16
	138	0	00	89
	136	0	25	74
	137	0	12	78
	139/1	0	00	20
	135	0	22	14

Name of Village	Khasra No.	Hectare	Area		Sq. mtr.
			Are	04	
1	2	3	04	05	
	134	0	03	60	
	124	0	00	20	
	132	0	02	70	
	131	0	28	80	
	130/1	0	15	30	
	130/2	0	05	04	
	155	0	04	32	
	148	0	19	26	
	147	0	18	90	
	145	0	11	88	
	144	0	15	30	
	143	0	03	42	
	26	0	01	80	
	27	0	23	04	
	31	0	08	10	
	32	0	16	92	
	33/1	0	23	40	
	34	0	04	68	
	20/A-1&2	0	04	35	
	36	0	13	50	
	37	0	13	68	
	38	0	91	80	
MONDHA	20	0	00	20	
	19	0	10	80	
	15	0	15	30	
LADGAON	21	0	38	70	
	22/1	0	36	18	
	22/2	0	00	20	
	19/1	0	18	00	
	18/2	0	15	30	
	18/1	0	00	20	
	17/2	0	28	08	
	17/1	0	15	30	
	15	0	18	00	
	14	0	26	82	
	13	0	17	64	
	16/1	0	00	20	
	132	0	13	50	
	131/2	0	13	50	
	131/1	0	14	94	
	131/3	0	14	94	

Name of Village	Khasra No.	Hectare	Area	Sq. mtr.
1	2	3	4	5
	134/3	0	15	05
	139	0	13	12
	136	0	31	50
	148	0	37	14
	149/1	0	23	26
				04
MENKHAT	1	0	15	48
	3/B	0	44	10
	6	0	08	10
	5	0	20	88
	3/A	0	04	50
	4	0	23	22
	71	0	16	56
	70	0	16	56
	64	0	38	16
	62/2	0	30	60
	62/1	0	41	40
DATALA	65	0	22	61
	44/2	0	00	25
	43	0	14	40
	42	0	16	20
	41/A	0	02	54
	41/B	0	42	84
	33B/3	0	00	75
	34/A	0	12	06
	34/B	0	07	92
	35	0	16	56
	36	0	16	20
	30	0	25	20
	28	0	08	46
	29	0	09	90
	25	0	10	50
	24	0	32	58
	22	0	00	65
SALAI DHABA	38	0	00	34
	39	0	18	00
	40	0	22	32
	41	0	00	54
	57	0	41	40
	62	0	44	82
	67	0	35	46

Name of Village	Khasra No.	Hectare	Area Are	Area Sq. mtr.
1	2	3	04	05
	68	0	00	20
	66	0	26	64
	65	0	07	38
	75	0	34	20
	76	0	24	66
	79	0	00	20
	130	0	00	70
	129/1	0	13	14
	129/2	0	20	34
	128/2	0	41	76
	104	0	21	60
	103	0	00	20
	98/2	0	08	82
	100/A	0	37	80
	100/B	0	35	82
KIRIMTI	12	0	08	64
	11/1	0	21	24
	11/2	0	12	78
	10	0	13	14
	9/B	0	00	60
	28/A	0	37	26
	29	0	00	97
	30	0	91	44
	67	0	14	40
	46	0	46	44
	70	0	14	40
	43	0	01	48
	42	0	06	30
	41	0	06	30
	71/A	0	10	80
	71/C	0	10	80
	71/B	0	10	80
KINHI BUZURG	55	0	20	34
	56	0	10	80
	58	0	14	40
	61	0	16	74
	63	0	19	26
	65	0	14	76
	66	0	32	58
	70	0	44	28
	69	0	46	98

Name of Village 1	Khasra No. 2	Hectare 3	Area Are 04	Sq. mtr. 05
SUKLI	34	0	10	62
	33/B	0	11	34
	33/A	0	05	40
	32	0	31	50
	31	0	16	20
	30	0	36	36
	4	0	27	36
	67	0	61	20
BID GANESHPUR	44/D	0	01	50

[No. R-25011/40/2(X)2-O.R.-II
RENUKA KUMAR, Under Secy.

नई दिल्ली, 9 जनवरी, 2003

का. आ. 210.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य की रिफाइनरियों से राजस्थान राज्य में कोटा (बुन्दी) तक और मध्य प्रदेश राज्य में रत्तलाम, इन्दौर, इटारसी से होती हुई महाराष्ट्र राज्य में नागपुर तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनेट - सी आई लिमिटेड. द्वारा पाईपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाईपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में जिसके भीतर पाईपलाइन बिछाये जाने का प्रस्ताव है और जो इस अधिसूचना से उपाय अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाय;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशीत इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के अन्दर पाईपलाइन बिछाने के सम्बन्ध में श्री बी.पी. तिवारी, सक्षम प्राधिकारी, सी.आई.पी.एल. प्राजेक्ट, पेट्रोनेट सी, आई. लिमिटेड 692, सुदामा नगर, सेठी गेट सैक्टर, इन्दौर, मध्यप्रदेश को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसिल : आमला

जिला : बैतुल

राज्य : मध्यप्रदेश

गाँव का नाम	खसरा संख्या	हेक्टेयर	क्षेत्रफल	वर्ग मीटर
1	2	3	4	5
खटेडा	156	0	00	20
	161	0	29	88
	162	0	00	20
	164/2	0	11	07
	164/1	0	14	22
	164/5	0	28	71
आमनी	2/1	0	20	43
	2/2	0	03	23
	5	0	22	95
	6	0	28	33
	8	0	18	36
	17/1	0	47	88
	32/1	0	34	38
	33	0	27	43
	34/1	0	00	20
	102/1	0	18	45
	102/2	0	07	66
	101/2	0	13	18
	101/3	0	07	30
	148/1	0	00	20
	148/2	0	09	99
	149	0	05	97
	98	0	05	94
	96/1	0	06	50
	96/2	0	09	72
	203/2	0	03	21
	206/1	0	00	64
	206/2	0	10	49
	206/3	0	05	69
	214	0	30	06
	215	0	07	56
	212/3	0	00	59
	212/1	0	16	56
	212/2	0	03	24
परसोडी	312/1	0	02	88
	312/2	0	07	92
	314/2	0	11	34
	170/1	0	16	20
	314/1	0	03	60
	320/2	0	16	02
	320/1	0	00	20
	323	0	14	22
	322	0	01	44
	324	0	09	18
	330	0	03	60
	329/2+3	0	11	79

1	2	3	4	5
	329/1	0	05	13
	335/1+2	0	00	20
	328/1	0	00	20
	328/2	0	06	12
	328/4	0	09	18
	328/5	0	01	44
	328/6	0	09	00
	416	0	20	70
	417/1	0	01	44
	417/2	0	04	32
	417/3	0	05	17
	410/1	0	10	08
	410/3	0	10	26
	409/1	0	27	00
	409/3	0	00	20
	407/3	0	14	58
	408/1	0	02	17
	408/2	0	05	04
	395	0	07	20
	466	0	00	66
	469/2	0	04	32
	469/1	0	18	00
	470/1	0	06	12
	470/3	0	00	20
	470/7	0	05	56
	470/6	0	04	68
	472	0	32	40
खापाखतेझा	687	0	00	20
	688	0	54	90
	702	0	15	12
	703	0	11	25
	701/1	0	12	69
	700/1	0	16	92
	700/5	0	12	78
	700/4	0	01	68
	735/2	0	00	20
	732/4	0	02	75
	732/1	0	02	52
	732/5	0	02	70
	732/7	0	02	75
	732/6	0	02	73
	732/3	0	02	77
	732/2	0	02	75
	733/1	0	03	15
	733/3	0	02	61
	733/5	0	03	06
	733/6	0	05	94
	733/4	0	00	39
	736/9	0	13	59
	742	0	23	04
	739/4	0	00	20
	741	0	26	10
	743	0	00	66

1	2	3	4	5
कनौजिया	98/1	0	09	18
	108	0	27	36
	107/2	0	16	02
	105	0	23	94
	104	0	00	20
	139	0	08	28
	138	0	13	86
	137	0	14	94
	134	0	00	85
	132	0	06	09
	131	0	01	58
	133	0	01	44
	130	0	06	84
	125	0	00	20
	164	0	00	32
	165	0	15	98
काजली	34	0	18	88
	203	0	16	12
	206/1	0	01	15
	206/2	0	01	15
	211	0	04	22
	216	0	03	58
	217/1	0	02	75
	218	0	09	80
	219	0	10	06
	220	0	18	27
	221	0	04	71
	226	0	01	17
	225	0	11	76
	224	0	12	34
	223/2	0	00	38
	227	0	03	73
	228	0	20	66
	232/2	0	00	20
	177/1	0	00	20
	241/1	0	15	94
	241/3+241/4	0	09	80
	241/2	0	00	20
लालावाड़ी	18	0	28	08
	17/2	0	02	24
	19	0	00	28
	17/3	0	19	62
	17/4	0	10	80
	17/5	0	09	36
	5	0	00	20
	12	0	19	08
	11	0	16	29
	383/2	0	06	57
	383/3	0	00	32
	383/1	0	17	19
	385	0	01	20
	382	0	03	29
	381	0	11	97
	386	0	00	20

1	2	3	4	5
	380	0	08	82
	379	0	16	38
	375	0	02	40
	376	0	11	34
	378/1	0	07	56
	378/2	0	08	28
	378/3	0	07	92
	395	0	09	00
	396	0	08	10
	401	0	07	38
	402	0	06	02
	405	0	02	51
	404	0	61	47
	411	0	20	70
	412	0	00	20
	422/2	0	05	22
	422/3	0	06	12
	422/1	0	00	20
	421	0	05	58
	420	0	05	22
	431	0	10	44
	433/3	0	01	68
	433/4	0	05	58
	434	0	11	52
	435	0	07	74
	436	0	01	60
पोही	9	0	02	99
	10	0	06	23
	11	0	09	61
	37	0	21	01
	36/1	0	36	45
	36/2	0	11	70
	35	0	05	22
	33	0	13	00
	131/1	0	02	98
	131/2	0	05	76
	131/3	0	03	60
	145	0	09	97
	146	0	06	76
	143/1	0	04	09
	147/1	0	03	39
	148/1	0	29	74
	150/1	0	00	59
	149/1	0	16	78
	191	0	17	10
	189	0	13	88
	183	0	16	11
रंभाखेडी	260	0	07	50
	259	0	22	10
	256	0	14	04
	255	0	02	84
	254	0	38	50
	276	0	20	43
	281	0	03	73

1	2	3	4	5
	279	0	01	54
	278	0	29	07
	284/5	0	22	14
	284/6	0	12	83
	284/7	0	00	30
	285/5	0	15	30
	285/4	0	03	88
	285/6	0	00	20
	286	0	26	37
	438	0	29	66
	437	0	10	94
	435	0	20	84
	434	0	09	81

[फा. सं. आर-25011/41/2002-ओ.आर-1।

रेनुका कुमार, अवर सचिव

New Delhi, the 9th January, 2003

S.O. 210.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from refineries in the state of Gujarat to Kota (Bundi) in Rajasthan State and Nagpur in Maharashtra State via Ratlam, Indore & Itarsi in Madhya Pradesh State, a pipeline should be laid by Petronet C.I. Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act- 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri. B.P.Tiwari, Competent Authority, CIPL Project of Petronet C.I. Limited, 692, Sudama Nagar, Sethi Gate Sector, Indore, Madhya Pradesh.

SCHEDULE

Tahsil: Amla

District : Betul

State : Madhya Pradesh

Name of Village	Khasra No.	Hectare	Area	
			Are	Sq. mtr.
1	2	3	4	5
Khatera	156	0	00	20
	161	0	29	88
	162	0	00	20
	164/2	0	11	07
	164/1	0	14	22
	164/5	0	28	71
Amni	2/1	0	20	43
	2/2	0	03	23
	5	0	22	95
	6	0	28	33
	8	0	18	36
	17/1	0	47	88
	32/1	0	34	38
	33	0	27	43
	34/1	0	00	20
	102/1	0	18	45
	102/2	0	07	66
	101/2	0	13	18
	101/3	0	07	30
	148/1	0	00	20
	148/2	0	09	99
	149	0	05	97
	98	0	05	94
	96/1	0	06	50
	96/2	0	09	72
	203/2	0	03	21
	206/1	0	00	64
	206/2	0	10	49
	206/3	0	05	69
	214	0	30	06
	215	0	07	56
	212/3	0	00	59
	212/1	0	16	56
	212/2	0	03	24
Parsori	312/1	0	02	88
	312/2	0	07	92
	314/2	0	11	34
	170/1	0	16	20
	314/1	0	03	60
	320/2	0	16	02
	320/1	0	00	20
	323	0	14	22
	322	0	01	44
	324	0	09	18
	330	0	03	60
	329/2+3	0	11	79

1	2	3	4	5
	329/1	0	05	13
	335/1+2	0	00	20
	328/1	0	00	20
	328/2	0	06	12
	328/4	0	09	18
	328/5	0	01	44
	328/6	0	09	00
	416	0	20	70
	417/1	0	01	44
	417/2	0	04	32
	417/3	0	05	17
	410/1	0	10	08
	410/3	0	10	26
	409/1	0	27	00
	409/3	0	00	20
	407/3	0	14	58
	408/1	0	02	17
	408/2	0	05	04
	395	0	07	20
	466	0	00	66
	469/2	0	04	32
	469/1	0	18	00
	470/1	0	06	12
	470/3	0	00	20
	470/7	0	05	56
	470/6	0	04	68
	472	0	32	40
Khapakhata	687	0	00	20
	688	0	54	80
	702	0	15	12
	703	0	11	25
	701/1	0	12	69
	700/1	0	16	92
	700/5	0	12	78
	700/4	0	01	68
	735/2	0	00	20
	732/4	0	02	75
	732/1	0	02	52
	732/5	0	02	70
	732/7	0	02	75
	732/8	0	02	73
	732/3	0	02	77
	732/2	0	02	75
	733/1	0	03	15
	733/3	0	02	61
	733/5	0	03	06
	733/6	0	05	94
	733/4	0	00	39
	736/9	0	13	59
	742	0	23	04
	739/4	0	00	20
	741	0	26	10
	743	0	00	66

1	2	3	4	5
Kanoja	98/1	0	09	18
	108	0	27	36
	107/2	0	16	02
	105	0	23	94
	104	0	00	20
	139	0	08	28
	138	0	13	86
	137	0	14	94
	134	0	00	85
	132	0	06	09
	131	0	01	58
	133	0	01	44
	130	0	06	84
	125	0	00	20
	164	0	00	32
	165	0	15	98
Kajali	34	0	18	88
	203	0	16	12
	206/1	0	01	15
	206/2	0	01	15
	211	0	04	22
	216	0	03	58
	217/1	0	02	75
	218	0	09	80
	219	0	10	06
	220	0	18	27
	221	0	04	71
	226	0	01	17
	225	0	11	76
	224	0	12	34
	223/2	0	00	38
	227	0	03	73
	228	0	20	66
	232/2	0	00	20
	177/1	0	00	20
	241/1	0	15	94
	241/3+241/4	0	09	80
	241/2	0	00	20
Lalawari	18	0	28	08
	17/2	0	02	24
	19	0	00	28
	17/3	0	19	62
	17/4	0	10	80
	17/5	0	09	36
	5	0	00	20
	12	0	19	08
	11	0	16	29
	383/2	0	06	57
	383/3	0	00	32
	383/1	0	17	19
	385	0	01	20
	382	0	03	29
	381	0	11	97
	386	0	00	20

1	2	3	4	5
	380	0	08	82
	379	0	16	38
	375	0	02	40
	376	0	11	34
	378/1	0	07	56
	378/2	0	08	28
	378/3	0	07	92
	395	0	09	00
	396	0	08	10
	401	0	07	38
	402	0	06	02
	405	0	02	51
	404	0	61	47
	411	0	20	70
	412	0	00	20
	422/2	0	05	22
	422/3	0	06	12
	422/1	0	00	20
	421	0	05	58
	420	0	05	22
	431	0	10	44
	433/3	0	01	68
	433/4	0	05	58
	434	0	11	52
	435	0	07	74
	436	0	01	60
Pohi	9	0	02	99
	10	0	06	23
	11	0	09	61
	37	0	21	01
	36/1	0	36	45
	36/2	0	11	70
	35	0	05	22
	33	0	13	00
	131/1	0	02	98
	131/2	0	05	76
	131/3	0	03	60
	145	0	09	97
	146	0	06	76
	143/1	0	04	09
	147/1	0	03	39
	148/1	0	29	74
	150/1	0	00	59
	149/1	0	16	78
	191	0	17	10
	189	0	13	88
	183	0	16	11
Rambhakheri	260	0	07	50
	259	0	22	10
	256	0	14	04
	255	0	02	84
	254	0	38	50
	276	0	20	43
	281	0	03	73

1	2	3	4	5
279	0	01	54	
278	0	29	07	
284/5	0	22	14	
284/6	0	12	83	
284/7	0	00	30	
285/5	0	15	30	
285/4	0	03	88	
285/6	0	00	20	
286	0	26	37	
438	0	29	66	
437	0	10	94	
435	0	20	84	
434	0	09	81	

[No R-25011/41/2002-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 9 जनवरी, 2003

का. आ. 211.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य की रिफाइनरियों से राजस्थान राज्य में कोटा (बुन्दी) तक और मध्य प्रदेश राज्य में रतलाम, इन्दौर, इटारसी से होती हुई महाराष्ट्र राज्य में नागपुर तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनैट - सी आई लिमिटेड द्वारा पाईपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाईपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में जिसके भीतर पाईपलाइन बिछाये जाने का प्रस्ताव है और जो इस अधिसूचना से उपाय्य अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाय;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशीत इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, ईकाई दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के अन्दर पाईपलाइन बिछाने के सम्बन्ध में श्री बी.पी. तिवारी, सक्षम प्राधिकारी सी.आई.पी.एल. प्रांगंकट, पेट्रोनैट सी, आई. लिमिटेड 692, सुदामा नगर, सेठी गेट सैकटर, इन्दौर, मध्यप्रदेश को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसिल : बैतुल

जिला : बैतुल

राज्य : मध्यप्रदेश

गाँव का नाम 1	असरा संख्या 2	होत्रफल		
		हेक्टेयर 3	एकर 4	वर्ग मीटर 5
बांसपुर	110	0	19	80
	86/1	0	32	85
	82/1	0	18	91
	81	0	28	98
	80	0	13	68
	79	0	14	76
	78/3	0	00	72
	78/2	0	29	34
	78/1	0	00	20
	143/4	0	40	14
	149	0	51	66
	150	0	00	20
	180	0	04	32
	181	0	19	44
	177	0	58	51
	510	0	00	47
	511	0	12	78
	539	0	11	88
	540	0	05	04
	541	0	09	23
	514	0	00	20
	515	0	00	31
	516	0	08	64
	517	0	12	60
	518	0	05	04
	519	0	00	20
रातामाटी	55/1	0	07	02
	55/2	0	07	20
	60/1	0	00	20
	55/3	0	02	20
	55/4	0	00	20
	60/2	0	13	14
	61	0	12	06
	62	0	02	67
	68/1	0	02	15
	68/2	0	03	71
	69	0	08	46
	70	0	04	50
	101	0	24	21
	99	0	27	00
	148	0	20	88
	149	0	04	27
	310	0	07	74
	305/1	0	24	57
	305/3	0	17	37

1	2	3	4	5
	300	0	09	18
	299	0	07	74
	298	0	09	00
	292/4	0	14	22
	292/3	0	22	23
घोडाडोंगरी	84	0	20	88
	475	0	02	88
	476/1	0	06	66
	474/1	0	16	56
	474/3	0	15	84
	474/4	0	14	40
	464	0	18	54
	463	0	00	20
	460/3	0	20	97
	460/2	0	10	62
	459/1	0	02	45
	459/2	0	11	16
	450/1	0	11	95
	458	0	03	44
	457	0	04	34
	451	0	07	02
	453	0	00	20
	441	0	19	44
	440	0	09	99
	436	0	04	50
	426/2	0	21	06
	426/1	0	10	62
	425	0	07	56
	155	0	09	36
	154	0	11	70
	153	0	12	84
	158/1	0	03	26
	160/1	0	21	15
	165	0	17	01
	164/1	0	06	66
	181	0	21	06
	185	0	18	72
	183	0	00	89
	184	0	14	94
	238	0	13	50
	237/2	0	05	78
	236/7	0	02	52
	223/3	0	00	70
	236/3	0	13	14
	236/6	0	06	48
	224	0	10	53
	235	0	27	90
	234	0	15	93
	1408/2	0	00	28
	1408/1	0	13	32
	1407	0	05	49
	1414	0	22	86
	1405/2	0	09	72

1	2	3	4	5
जुवाडी				
12/3	0	16	50	
14/2	0	08	70	
11/3	0	08	01	
16/3	0	24	93	
99/3	0	05	40	
99/1	0	05	24	
107/1	0	32	40	
106	0	02	92	
105/1	0	34	20	
103	0	15	30	
130/2	0	01	15	
130/1	0	31	32	
131/1	0	47	70	
132	0	06	21	
133/2	0	07	56	
134	0	07	29	
293/1	0	11	25	
292	0	03	79	
305/1	0	25	20	
297/1	0	31	14	
298/1	0	16	56	
298/4	0	05	22	
298/3	0	00	39	
385/2	0	08	64	
386	0	26	49	
384	0	01	56	
390/3	0	03	00	
390/2	0	15	48	
390/1	0	14	40	
392	0	31	05	
380/1	0	21	24	
400	0	17	10	
404/1	0	20	70	
404/2	0	14	58	
403/1	0	11	25	
405	0	00	20	
कोयलारी				
85	0	02	75	
86	0	03	78	
88	0	03	96	
89	0	12	78	
95	0	23	40	
97/1	0	10	08	
109/1	0	18	18	
104/1	0	23	58	
104/3	0	23	58	
105	0	00	67	
बीसालदेही				
117/2	0	01	44	
141	0	17	55	
121/5	0	09	10	
121/4	0	02	78	
134/2	0	23	10	
123/3	0	06	21	
123/1	0	02	30	

1	2	3	4	5
	123/2	0	20	88
	132	0	00	69
	125/8	0	37	62
	125/2	0	15	12
	125/3	0	17	82
	125/5	0	09	00
	175/1	0	09	36
	175/2	0	07	20
	175/3	0	03	51
	174	0	15	30
	173	0	06	48
	171	0	01	28
	240/2	0	02	88
	240/1	0	00	20
	241	0	04	32
	243/2	0	01	44
	243/3	0	01	44
	243/1	0	01	44
	244	0	02	59
	245	0	00	90
	255/3	0	00	20
	255/2	0	10	08
	254	0	09	00
	253/2	0	29	34
	251	0	09	54
	320/1	0	03	02
	321	0	09	54
	328/1	0	10	80
	328/2	0	04	35
	334/2	0	17	64
	334/4	0	03	60
	334/3	0	11	03
	334/1	0	02	06
	388	0	02	06
	390	0	27	30
	392	0	12	78
	393	0	11	70
	400/1	0	21	42
	400/2	0	27	54
छुरी	285	0	09	00
	287/4	0	13	14
सिताकामात	5	0	09	63
मरकाढाना	102	0	24	03
	110	0	13	45
	118	0	30	87
	119	0	27	63
	146	0	14	94
	142/2	0	00	22
	147	0	06	19
	148	0	21	96
	155	0	09	72
	154	0	28	71
	410/2	0	07	48

1	2	3	4	5
	410/3	0	.08	36
	416/2	0	16	47
	412	0	00	22
	419	0	13	94
	414	0	01	50
	423	0	00	20
	425	0	09	51
जाजबोड़ी	40/2	0	08	19
	43	0	03	24
	40/1	0	10	80
	45	0	13	50
	47/2	0	11	16
	47/1	0	10	08
	48/2	0	07	56
	48/1	0	02	22
	67/2	0	16	83
	50/2	0	00	20
	51/2	0	41	22
	53	0	01	55
	59	0	29	79
	60	0	04	95
	58	0	05	40
	107	0	21	78
	164/1	0	07	38
	164/2	0	20	67
	165	0	01	02
	166	0	35	01
	174	0	07	11
	173	0	11	34
	263	0	09	00
	265/1	0	09	18
	265/2	0	07	92
दुल्हारा	13	0	20	88
	14	0	11	70
	16/2	0	11	70
	16/4	0	08	28
	16/1	0	13	68
	131/1	0	07	92
	132	0	23	58
	129	0	02	16
	151	0	07	20
	150	0	16	92
	149/1	0	09	18
	149/2	0	07	20
	146/1	0	00	20
	148	0	00	20
	147	0	07	02
	246/1	0	26	46
	244	0	13	86
	243	0	16	38
	240	0	01	34
	239	0	15	50
	238	0	01	34

1	2	3	4	5
	219	0	05	58
	233	0	02	38
	231	0	28	80
	230	0	08	10
	223	0	00	26
	224	0	17	64
	227	0	11	70
	208/2	0	13	68
डॉगवा	3/2	0	18	54
	3/1	0	12	60
	32	0	23	94
	37	0	07	92
	31	0	00	40
	36	0	50	58
	52	0	17	60
	53/1	0	03	20
	53/3	0	08	28
	53/4	0	15	84
	54/1	0	24	18
	54/2	0	29	52
	62	0	10	65
	60/1	0	01	24
	63/1	0	01	22
	63/2	0	02	04
	65/5	0	03	96
	65/4	0	04	23
	65/3	0	04	68
	65/1	0	09	72
	71/2	0	00	20
	68	0	08	91
जामखोदर	5	0	05	40
	77	0	17	82
	75/1	0	06	57
	75/2	0	24	75
	72	0	20	52
	73	0	05	07
	93	0	09	72
	101	0	01	18
	94	0	16	38
	100	0	00	20
	99	0	38	97
बेलोड	1	0	02	39
	3	0	12	15
	43	0	07	57
	44	0	29	97
	50	0	13	95
	47	0	38	88
	76/1	0	03	50
	76/2	0	03	60
	76/3	0	02	88
	76/4	0	02	88
	76/5	0	00	20
	152	0	05	46

1	2	3	4	5
	151	0	24	48
	150	0	19	62
	142/4	0	00	60
	149	0	38	16

[फा. सं. आर-25011/42/2002 -ओ.आर-1]

रेनुका कुमार, अवर सचिव

New Delhi, the 9th January, 2003

S.O. 211.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from refineries in the state of Gujarat to Kota (Bundi) in Rajasthan State and Nagpur in Maharashtra State via Ratlam, Indore & Itarsi in Madhya Pradesh State, a pipeline should be laid by Petronet C.I. Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act- 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of the notification issued under sub section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri. B.P.Tiwari, Competent Authority, CIPL Project of Petronet C.I. Limited, 692, Sudama Nagar, Sethi Gate Sector, Indore, Madhya Pradesh.

SCHEDULE

Tehsil : Betul

District : Betul

State : Madhya Pradesh

Name of Village 1	Khasra No. 2	Area		
		Hectare 3	Are 4	Sq. mtr. 5
Banspur	110	0	19	80
	86/1	0	32	85
	82/1	0	18	91
	81	0	28	98
	80	0	13	68
	79	0	14	76
	78/3	0	00	72
	78/2	0	29	34
	78/1	0	00	20
	143/4	0	40	14
	149	0	51	66
	150	0	00	20
	180	0	04	32
	181	0	19	44
	177	0	58	51
	510	0	00	47
	511	0	12	78
	539	0	11	88
	540	0	05	04
	541	0	09	23
	514	0	00	20
	515	0	00	31
	516	0	08	64
	517	0	12	60
	518	0	05	04
	519	0	00	20
Ratamati	55/1	0	07	02
	55/2	0	07	20
	60/1	0	00	20
	55/3	0	02	20
	55/4	0	00	20
	60/2	0	13	14
	61	0	12	06
	62	0	02	67
	68/1	0	02	15
	68/2	0	03	71
	69	0	08	46
	70	0	04	50
	101	0	24	21
	99	0	27	00
	148	0	20	88
	149	0	04	27
	310	0	07	74
	305/1	0	24	57
	305/3	0	17	37

1	2	3	4	5
	300	0	09	18
	299	0	07	74
	298	0	09	00
	292/4	0	14	22
	292/3	0	22	23
Ghodadongari	84	0	20	88
	475	0	02	88
	476/1	0	06	66
	474/1	0	16	56
	474/3	0	15	84
	474/4	0	14	40
	464	0	18	54
	463	0	00	20
	460/3	0	20	97
	460/2	0	10	62
	459/1	0	02	45
	459/2	0	11	16
	450/1	0	11	95
	458	0	03	44
	457	0	04	34
	451	0	07	02
	453	0	00	20
	441	0	19	44
	440	0	09	99
	436	0	04	50
	426/2	0	21	06
	426/1	0	10	62
	425	0	07	56
	155	0	09	36
	154	0	11	70
	153	0	12	84
	158/1	0	03	26
	160/1	0	21	15
	165	0	17	01
	164/1	0	06	66
	181	0	21	06
	185	0	18	72
	183	0	00	89
	184	0	14	94
	238	0	13	50
	237/2	0	05	78
	236/7	0	02	52
	223/3	0	00	70
	236/3	0	13	14
	236/6	0	06	48
	224	0	10	53
	235	0	27	90
	234	0	15	93
	1408/2	0	00	28
	1408/1	0	13	32
	1407	0	05	49
	1414	0	22	86
	1405/2	0	09	72

1	2	3	4	5
Juwari				
	12/3	0	16	50
	14/2	0	08	70
	11/3	0	08	01
	16/3	0	24	93
	99/3	0	05	40
	99/1	0	05	24
	107/1	0	32	40
	106	0	02	92
	105/1	0	34	20
	103	0	15	30
	130/2	0	01	15
	130/1	0	31	32
	131/1	0	47	70
	132	0	06	21
	133/2	0	07	56
	134	0	07	29
	293/1	0	11	25
	292	0	03	79
	305/1	0	25	20
	297/1	0	31	14
	298/1	0	16	56
	298/4	0	05	22
	298/3	0	00	39
	385/2	0	08	64
	386	0	26	49
	384	0	01	56
	390/3	0	03	00
	390/2	0	15	48
	390/1	0	14	40
	392	0	31	05
	380/1	0	21	24
	400	0	17	10
	404/1	0	20	70
	404/2	0	14	58
	403/1	0	11	25
	405	0	00	20
Koyalari				
	85	0	02	75
	86	0	03	78
	88	0	03	96
	89	0	12	78
	95	0	23	40
	97/1	0	10	08
	109/1	0	18	18
	104/1	0	23	58
	104/3	0	23	58
	105	0	00	67
Bisaldehi				
	117/2	0	01	44
	141	0	17	55
	121/5	0	09	10
	121/4	0	02	78
	134/2	0	23	10
	123/3	0	06	21
	123/1	0	02	30

1	2	3	4	5
	123/2	0	20	88
	132	0	00	69
	125/8	0	37	62
	125/2	0	15	12
	125/3	0	17	82
	125/5	0	09	00
	175/1	0	09	36
	175/2	0	07	20
	175/3	0	03	51
	174	0	15	30
	173	0	06	48
	171	0	01	28
	240/2	0	02	88
	240/1	0	00	20
	241	0	04	32
	243/2	0	01	44
	243/3	0	01	44
	243/1	0	01	44
	244	0	02	59
	245	0	00	90
	255/3	0	00	20
	255/2	0	10	08
	254	0	09	00
	253/2	0	29	34
	251	0	09	54
	320/1	0	03	02
	321	0	09	54
	328/1	0	10	80
	328/2	0	04	35
	334/2	0	17	64
	334/4	0	03	60
	334/3	0	11	03
	334/1	0	02	06
	388	0	02	06
	390	0	27	30
	392	0	12	78
	393	0	11	70
	400/1	0	21	42
	400/2	0	27	54
Chhuri	285	0	09	00
	287/4	0	13	14
Sitakamat	5	0	09	63
Markadhana	102	0	24	03
	110	0	13	45
	118	0	30	87
	119	0	27	63
	146	0	14	94
	142/2	0	00	22
	147	0	06	19
	148	0	21	96
	155	0	09	72
	154	0	28	71
	410/2	0	07	48

1	2	3	4	5
	410/3	0	08	36
	416/2	0	16	47
	412	0	00	22
	419	0	13	94
	414	0	01	50
	423	0	00	20
	425	0	09	51
Jajbori	40/2	0	08	19
	43	0	03	24
	40/1	0	10	80
	45	0	13	50
	47/2	0	11	16
	47/1	0	10	08
	48/2	0	07	56
	48/1	0	02	22
	67/2	0	16	83
	50/2	0	00	20
	51/2	0	41	22
	53	0	01	55
	59	0	29	79
	60	0	04	95
	58	0	05	40
	107	0	21	78
	164/1	0	07	38
	164/2	0	20	67
	165	0	01	02
	166	0	35	01
	174	0	07	11
	173	0	11	34
	263	0	09	00
	265/1	0	09	18
	265/2	0	07	92
Dulhara	13	0	20	88
	14	0	11	70
	16/2	0	11	70
	16/4	0	08	28
	16/1	0	13	68
	131/1	0	07	92
	132	0	23	58
	129	0	02	16
	151	0	07	20
	150	0	16	92
	149/1	0	09	18
	149/2	0	07	20
	146/1	0	00	20
	148	0	00	20
	147	0	07	02
	246/1	0	26	46
	244	0	13	86
	243	0	16	38
	240	0	01	34
	239	0	15	50
	238	0	01	34

1	2	3	4	5
	219	0	05	58
	233	0	02	38
	231	0	28	80
	230	0	08	10
	223	0	00	26
	224	0	17	64
	227	0	11	70
	206/2	0	13	68
Dangwa	3/2	0	18	54
	3/1	0	12	60
	32	0	23	94
	37	0	07	92
	31	0	00	40
	36	0	50	58
	52	0	17	60
	53/1	0	03	20
	53/3	0	08	28
	53/4	0	15	84
	54/1	0	24	18
	54/2	0	29	52
	62	0	10	65
	60/1	0	01	24
	63/1	0	01	22
	63/2	0	02	04
	65/5	0	03	96
	65/4	0	04	23
	65/3	0	04	68
	65/1	0	09	72
	71/2	0	00	20
	68	0	08	91
Jamkhodar	5	0	05	40
	77	0	17	82
	75/1	0	06	57
	75/2	0	24	75
	72	0	20	52
	73	0	05	07
	93	0	09	72
	101	0	01	18
	94	0	16	38
	100	0	00	20
	99	0	38	97
Belond	1	0	02	39
	3	0	12	15
	43	0	07	57
	44	0	29	97
	50	0	13	95
	47	0	38	88
	76/1	0	03	50
	76/2	0	03	60
	76/3	0	02	88
	76/4	0	02	88
	76/5	0	00	20
	152	0	05	46

1	2	3	4	5
	151	0	24	48
	150	0	19	62
	142/4	0	00	60
	149	0	38	16

[No. R-2501/42/2002-O.R.-]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 9 जनवरी, 2003

का.आ. 212.—केन्द्रीय सरकार को लोक हित में वह आवश्यक प्रतीत होता है कि गुजरात राज्य की रिफाइनरियों से राजस्थान राज्य में कोटा (बुन्दी) तक और मध्य प्रदेश राज्य में रतलाम, इन्दौर, इटारसी से होती हुई महाराष्ट्र राज्य में भागपुर तक पेट्रोलियम उत्पादों के परिवहन के लिए पेट्रोनैट - सी आई लिमिटेड द्वारा पाईपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाईपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में जिसके भीतर पाईपलाइन बिछाये जाने का प्रस्ताव है और जो इस अधिसूचना से उपर्युक्त अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाय;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 30) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधैन भारत के राजपत्र में यथा प्रकाशीत इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के अन्दर पाईपलाइन बिछाने के सम्बन्ध में श्री एस.की. घिरणीकर, सक्षम प्राधिकारी सी.आई.पी.एल. प्राजेक्ट, पेट्रोनैट सी, आई. लिमिटेड 17, यूग्माया, भांडन नागपुर हाउसिंग सोसायटी, छत्रपती नगर, वर्धा रोड, नागपुर - 440004, महाराष्ट्र को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसिल : नागपूर

जिला : नागपूर

राज्य : महाराष्ट्र

गाँव का नाम	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
लहड़खेड़ी	125/1	0	13	50
	125/2	0	13	50
	125/3	0	14	40
	127	0	00	20
	128	0	19	08
	129	0	13	68
	135	0	09	36
	136	0	51	30
	67	0	42	12
	66	0	36	90
	65	0	12	24
	48	0	13	32
	47	0	10	26
	46	0	07	74
	45	0	06	48
	44	0	14	76
	35 अ, 35 ब, 35 क, 35 ड	0	26	28
	15	0	68	76
	39	0	00	20
	16	0	36	90
	17	0	04	14
	18	0	16	92
डोगरगांव	45	0	30	24
	43/2	0	07	20
	43/1	0	35	10
वाठोडा	146	0	97	74
	144	0	05	40
	143	0	10	80
जंगेश्वर	43/अ	0	46	44
	43/ब	0	21	60
	56	0	18	18
	57	0	24	84
	69	0	25	02
	70	0	33	84
	71	0	05	40
	80	0	50	40
	81/6	0	04	50
	81/5	0	09	00
	81/4	0	10	08

1	2	3	4	5
	81/2	0	10	08
	81/3	0	08	46
	81/7	0	01	80
बोरखोडी	59/1	0	18	90
	59/2	0	05	40
	7	0	09	90
	8	0	15	84
	9	0	18	00
	130	0	24	48
	129	0	25	02

[फा. सं. आर-25011/43/2002 ओ.आर-1]

रेनुका कुमार, अवर सर्जन

New Delhi, the 9th January, 2003

S. O. 212.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from refineries in the State of Gujarat to Kota (Bundi) in the State of Rajasthan and Nagpur in the State of Maharashtra through Ratlam, Indore and Itarsi in the State of Madhya Pradesh, a pipeline should be laid by Petronet C.I. Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act - 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person, interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri S.V. Ghirnikar, Competent Authority, CIPL Project of Petronet C.I. Limited 17 Mrugchhaya, Modern Nagpur Housing Society, Chhatrapati Nagar, Wardha Road, Nagpur 440015. (Maharastra)

Tahsil: Nagpur

SCHEDULE

District : Nagpur

State : Maharashtra

Name of Village	Khasra No.	Area		
		Hectare	Are	Sq. mtr.
1	2	3	4	5
RUIKHAIRI	125/1	0	13	50
	125/2	0	13	50
	125/3	0	14	40
	127	0	00	20
	128	0	19	08
	129	0	13	68
	135	0	09	36
	136	0	51	30
	67	0	42	12
	68	0	36	90
	65	0	12	24
	48	0	13	32
	47	0	10	26
	46	0	07	74
	45	0	06	48
	44	0	14	76
	35 A, 35 B1, 35 C, 35 D	0	26	28
	15	0	68	76
	39	0	00	20
	16	0	36	90
	17	0	04	14
	18	0	16	92
DONGRGAON	45	0	30	24
	43/2	0	07	20
	43/1	0	35	10
WATHODA	146	0	97	74
	144	0	05	40
	143	0	10	80
JUNGESHWAR	43/A	0	46	44
	43/B	0	21	60
	56	0	18	18
	57	0	24	84
	69	0	25	02
	70	0	33	84
	71	0	05	40
	80	0	50	40
	81/6	0	04	50
	81/5	0	09	00
	81/4	0	10	08
	81/2	0	10	08
	81/3	0	08	46
	81/7	0	01	80
BORKHEDI	59/1	0	18	90
	59/2	0	05	40
	7	0	09	90
	8	0	15	84
	9	0	18	00
	130	0	24	48
	129	0	25	02

नई दिल्ली, 13 जनवरी, 2003

का. आ. 213.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जाम नगर से मध्यप्रदेश राज्य में भोपाल तक पुनः गैसीकृत द्वितीय प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन एंड इनफ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा जाम नगर - भोपाल पाइप लाइन परियोजना के क्रियान्वयन के लिए पाइपलाइन बिछाई जानी चाहिए:

और केन्द्रीय सरकार ने भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 298 तारीख 31 जनवरी 2002 और का. आ. 1651 तारीख 13 मई 2002 द्वारा जो भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 2 फरवरी 2002 और तारीख 18 मई 2002 में प्रकाशित की गई थी उपयोग के अधिकार के अर्जन करने की अपने आशय की घोषणा की हैं:

और केन्द्रीय सरकार को उक्त पाइप लाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूचि में वर्णित हैं, उपयोग के अधिकार का अर्जन किया जाए:

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती हैं:

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाई जाने के संबंध श्री ए.के. संघवी, सक्षम प्राधिकारी, जी.टी.आई.सी.एल. पाइपलाइन परियोजना, 102 & 103, 'शिवम', 9 पटेल कालोनी, पंडित नेहरू मार्ग, जामनगर 361008, गुजरात को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूचि

तालुकः- वांकान्देर

जीला :- राजकोट

राज्य :- गुजरात

गांव का नाम

सर्वेक्षण संख्या / खंड संख्या

क्षेत्रफल

हेक्टर	एकर	सेन्टीएकर		
1	2	3	4	5
1 : दलडी	294	0	09	50
2 : कालीयागरता	73	0	04	50

New Delhi, the 13th January, 2003

S. O. 213.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of regassified liquefied natural gas from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh, a pipeline should be laid by Gas Transportation and Infrastructure Company Limited for implementing Jamnagar-Bhopal pipeline project;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user (ROU) in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

And whereas the Central Government has for the said purpose declared its intention to acquire the right of user in the land vide notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.209, dated the 22nd January 2002 and S.O 2426, dated the 22nd July 2002, published in Part II Section 3, sub-section (ii) of the Gazette of India, dated the 26th January, 2002 and 27th July, 2002 respectively;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section (3) of the said Act, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri A.K. Sanghavi, Competent Authority, Gas Transportation and Infrastructure Company Limited Pipeline Project, 102-103, Shivam, 9 Patel Colony, Pandit Nehru Marg, Jamnagar-361 008, Gujarat

SCHEDULE

Taluka :- Wankaner

District :- Rajkot

State :- Gujarat

Name of Village	Survey No. / Block No.	Area		
		Hectare	Are	Centare
1	2	3	4	5
1 : Daldi	294	0	09	50
2 : Kachhiya Gala	73	0	04	50

[No. L-14014/08/2002-G.P |
SWAMY SINGH, Director

नई दिल्ली, 14 जनवरी, 2003

का. आ. 214.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2974 तारीख 21 सितम्बर 2002 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में हरियाणा राज्य के गाँव असावती में स्थित इंडियन ऑयल कॉरपोरेशन लिमिटेड ल्यूब ब्लेडिंग संयंत्र कम्पलैक्स से नेशनल थर्मल पावर कॉरपोरेशन मुजेरी स्थित फरीदाबाद गैस आधारित परियोजना तक नेपथा के परिवहन के लिए एक पाइपलाइन बिछाई जाने हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख क्रमशः 3, 9, 11 और 19 अक्तूबर 2002 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और पाइपलाइन बिछाई जाने के संबंध में जनता से कोई आक्षेप प्राप्त नहीं हुए हैं;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह धोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार इस धोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विलंगमों से मुक्त इंडियन आयल कॉरपोरेशन लिमिटेड में निहित होगा ।

विनिर्दिष्ट

तहसील : पलवल		जिला फरीदाबाद		राज्य हरियाणा	
गाँव का नाम	हदबस्त न०	आयत संख्या	कीला न०	क्षेत्रफल	
				कनाल	मरला
1	2	3	4	5	6
असावटी	51	11	1/2	0	4
			2/1	1	1
			2/2	0	6
			2/3	0	16
			3	3	4
			4	1	8
			8	0	0
			9/1	0	7
			9/2	0	13
			10/1	0	12
			10/2/1	0	12
			10/2/2	0	12
			11/1/1	1	12
			11/1/2	0	3
			20/1	0	0
			20/2	2	0
			21/1	2	0
			RASTA	0	3
		14	1/1	2	0
			10/2	2	0
			11	1	19

तहसील : बल्लबगढ़		जिला फरीदाबाद		राज्य हरियाणा	
गाँव का नाम	हदबस्त न०	आयत संख्या	कीला न०	क्षेत्रफल	
				कनाल	मरला
1	2	3	4	5	6
डीग	56	1	6	1	12
			15	2	0
			14/2	0	5
			16	0	3
			17/1	0	8
			17/2	1	6
			24/1	0	2
			24/2	2	3
		6.	3	1	3
			4	1	5
			8	2	7
			12	0	2
			13	2	5
			18	0	6
			19	2	1
			22	2	7
		8	1	0	17
			2	1	10
			10	2	7
			9	0	0
			11	1	19
			20	0	0
		7	15	0	1
			16	0	1
			25	1	2
		17	4	0	11
			5	1	14
			6	0	1
			7	2	6
			14	2	1
			17	0	1
		39	3	0	6
			4	1	4
			8	2	5
			7	0	2
			12	0	0
			13	2	7
			18	0	17
			19	1	10
			22	2	7
			23	0	0

1	2	3	4	5	6
झीग	56	54	1 2 10 9 11 20	0 2 2 0 2 1	3 4 1 6 7 9
		55	16 17 24 25 23 18 22 21	3 1 1 0 3 0 3 2	4 10 13 1 2 4 19
		56	24 25	0 1	0 1
		58	4 5	1 2	18 3
		59	1	0	5
सागरपुर	55	49	1 10 5 6 14/2 15 16 17 24 2 3 8 9 11 12 19 20 21	1 0 0 2 0 2 0 1 1 1 0 1 0 2 0 0 1 0 1 1 13 10 18 1 4 1 5 13 12 13 8	15 1 6 6 1 7 13 12 13 10 18 1 4 1 5 13 12 8
		48	रास्ता	0	0
		41	5 14 13 18 17 23	0 0 0 1 0 2	0 1 1 11 9 8
		39	15 16	0 1	1 12

1	2	3	4	5	6
सामरपुर	55	39	25	0	17
		40	11	0	8
			20	0	11
सनपेड	72	42	5	0	1
			6	0	0
		40	25	0	0
		39	21	0	0
शाहपुर कला	71	40	5	1	2
			6	0	17
		41	1	0	17
		38	2	1	8
			3	0	12
			9	2	0
			11	0	8
			12	1	14
			19	0	2
			20	1	19
			21/1	2	0
			21/2	0	5
		27	4	1	12
			5	0	8
			7/1	0	16
			7/2	1	4
			13	0	13
			14	1	8
			18	2	0
			17	0	1
			22	0	1
			23	2	0
		26	15	0	7
			16	1	18
			24	0	1
			25	2	2
		25	11	2	1
			20	1	0
			19	0	2
			14	2	2
			12	2	0
			15	1	4
			6	2	0

1	2	3	4	5	6
शाहपुर कला 71	25		5	1	8
			रास्ता	0	4
24			1	0	11
			10	0	0
			रास्ता	0	4
16			2	1	2
			3	0	18
			9	2	0
			12	1	18
			11	0	3
			20	1	18
			19	0	3
			21	2	0
15		25		0	1
11			3	2	0
			8	2	0
			13	2	0
			18	2	0
			23/1	1	9
			23/2	1	11
			4/1	0	1
			4/2	0	0
7			3	0	1
			4	2	0
			7	1	12
			8	0	5
			13	0	15
			14	0	18
			18	1	10
			17	0	16
			23	1	13
			24/1	0	2
			24/2	0	0
			24/3	0	2
			रास्ता	0	1
3			7	1	6
			14	2	0
			17	2	0
			24	2	0
			23	0	1
			रास्ता	0	1

1	2	3	4	5	6
सोतई	73	8	2 9/1 9/2 8 13/1 13/2 12 19 18/1 18/2 22/2 22/1	0 0 0 0 0 0 1 2 0 0 2 0	0 17 8 6 1 2 17 0 0 0 0 1
	11		2 9 12 19 22 रास्ता	1 2 2 2 2 0	17 0 0 0 0 2
	17		1 2 10 9 11 12 20 21/1 21/2	0 1 1 0 2 0 1 0 0	1 16 8 13 0 0 19 17 4
	16		25	0	2
	26		5 6 15 16 24 25	1 2 2 2 0 2	12 0 0 0 0 1
	25		1/1	0	9
	31		4 5 6 7 14/1 14/3 15/1 16 17 24	0 1 1 0 0 0 1 0 1 16 13 7 2 18 2 10 11 16	1 16 13 7 2 18 2 10 11 16

1	2	3	4	5	6
सोतई	73	31	25 रास्ता	0 1	1 0
		42	4 5 7 14 17 24/2 24/1	2 0 2 2 2 2 0	0 0 0 0 0 0 0
		46	4/3 4/1 4/2 7 82 89 183 87 88	0 0 1 0 1 0 0 0 0	0 4 3 13 0 10 10 .10 10
मच्छगर	83	1	17 16/2 24 25/1	0 0 0 1	7 11 17 3
		7	4 5 7/1 7/2 6/2 6/1 15/1 15/3 14/2 14/3 17/1 17/2 16 24/2 24/3 25 रास्ता	0 1 0 0 0 0 0 0 1 0 0 0 0 0 0 0	17 3 9 9 7 10 5 9 2 0 8 6 2 13 7 1 15
		8	4/1 4/2 7 14 17	1 0 2 2 1	2 19 0 0 13

1	2	3	4	5	6
मच्छर	83	8	24/1 24/2 79	1 0 0	19 1 5
		16	3/2 4 8/1 7 13 14/1 18/1 18/2 17/2 309 23	0 2 0 1 1 0 0 1 0 2	0 0 11 10 11 10 16 4 1 0 2
		19	3 8 13/1 13/2 18 19 23 22/2	2 2 2 0 2 0 2 0	0 0 0 0 1 0 0 1
		28	2 3/1 3/2 9 8 13/2 12/1 12/2 19/1 19/2 22/2 26 रास्ता	0 0 1 1 0 0 0 1 0 1 0 0	8 4 8 8 9 1 13 12 18 2 5 16 4
		31	2 9 12 19 20 21 22	2 2 2 2 0 0 1	0 0 0 1 0 8 12
		40	1/2 1/3 1/4 2 10/1	0 0 1 0 0	0 8 1 12 2

1	2	3	4	5	6
मच्छगर	83	40	10/2 10/3 9 11 20/1 21 82	1 0 0 2 2 1 0	0 9 0 1 1 15 5
		44	15 16 25 रास्ता	0 0 2 0	0 3 9 9
		45	1 10/1 10/2 11/1 11/2 11/3 20/1 20/2 21	2 1 0 0 0 0 0 1 0	1 3 18 11 12 18 9 1 2
		54	4 5 7 8/1 8/2 13 14 12/2 19 18 22 23	1 0 1 0 1 2 0 0 0 1 0 1 13 17 14 1 0 3 1 1 1 7 13 7 13 7 13	
		56	2/2 3/1 9 8 42	0 1 0 0 0	7 13 1 4 0
मुजरी	81	15	9/1 9/2 9/3 12 13 19/1 18 23	1 0 0 1 0 0 1 2	3 1 13 15 5 2 18 0

1	2	3	4	5	6
मुजेरी	81	15	26	0	0
		24	3/1	1	16
			3/2	0	6
			4	0	1
			7/1	0	3
			7/2	1	6
			8	0	12
			14	2	1
			17	2	1
			24	1	0
			25	1	0
			16	0	0
		28	4/1	0	1
			4/2	0	2
			5/1	1	0
			5/2	1	0
			6/3	2	0
			7	0	2
			14/3	0	2
			15	1	18
			16	1	15
			17/1	0	3
			17/5	0	3
			24	0	7
			25/1	0	2
			25/2	1	11
			रास्ता	0	3
		37	4	0	7
			5	1	13
			6	1	13
			7	0	8
			14/2	0	7
			15	1	13
			16/3	1	13
			17/1	0	7
		37	24	0	7
			25	1	13
		40	4/2	0	7
			5/1	0	11
			5/2	1	2
			6	1	12
			7	0	11
			14	0	10
			15/1	1	10
			16/2	1	7

1	2	3	4	5	6
मुजेडी	1	40	17/1 17/2 24 25/1 रास्ता	0 0 0 1 0	7 2 10 10 2
		48	4/2 4/3 5 6 7/1 7/2 14 15 16 17 24 25	0 0 1 1 0 0 0 1 0 0 1	4 7 10 8 8 5 13 7 7 13 7
		51	4 5/1 6/2 7/1 7/2 14 15 16 17	0 1 1 0 0 0 1 0	15 5 3 8 10 17 3 13 11

[फा. सं. आर-25011/26/2002-ओ.आर-1]

रेतुका कुमार, अवर सचिव

New Delhi, the 14th January, 2003

S. O. 214.—Whereas, by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2974, dated the 21st September, 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification in the public interest for the transportation of Naptha from Indian Oil Corporation Ltd. Lube Blending Plant complex at Village Asaoti to National Thermal Power Corporation Faridabad Gas Based Project (Faridabad) at Mujeri in the State of Haryana;

And whereas copies of the said Gazette notification were made available to the public on the 3rd, 9th, 11th and 19th October, 2002, respectively;

And whereas no objections have been received from the public to the laying of the pipeline;

And whereas the competent authority has, under sub-section (1) of section 6 of said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in the Indian Oil Corporation Limited free from all encumbrances

SCHEDULE

Tehsil : Palwal		District Faridabad		State: Haryana	
Name of Village	Hadbast No.	Rectangle No	Killa No.	Area	
				Kanal	Mari
1	2	3	4	5	6
Aswaoti	51	11	1/2 2/1 2/2 2/3 3 4 8 9/1 9/2 10/1 10/2/1 10/2/2 11/1/1 11/1/2 20/1 20/2 21/1 RASTA	0 1 0 0 3 1 0 0 0 0 0 0 1 0 2 2 0	4 1 6 16 4 8 0 7 13 12 12 12 3 0 0 0 3
	14		1/1 10/2 11	2 2 1	0 0 19

Tehsil : Ballabgarh		District Faridabad		State: Haryana	
Name of Village	Hadbast No.	Rectangle No	Killa No.	Area	
				Kanal	Maria
1	2	3	4	5	6
DEEG	56	1	6	1	12
			15	2	0
			14/2	0	5
			16	0	3
			17/1	0	8
			17/2	1	6
			24/1	0	2
			24/2	2	3
		6	3	1	3
			4	1	5
			8	2	7
			12	0	2
			13	2	5
			18	0	6
			19	2	1
			22	2	7
		8	1	0	17
			2	1	10
			10	2	7
			9	0	0
			11	1	19
			20	0	0
		7	15	0	1
			16	0	1
			25	1	2
		17	4	0	11
			5	1	14
			6	0	1
			7	2	6
			14	2	1
			17	0	1
		39	3	0	6
			4	1	4
			8	2	5
			7	0	2
			12	0	0
			13	2	7
			18	0	17
			19	1	10
			22	2	7

	1	2	3	4	5	6
DEEG	56	39	23	0	0	
		54	1	0	3	
			2	2	4	
			10	2	1	
			9	0	6	
			11	2	7	
			20	1	9	
		55	16	3	4	
			17	1	10	
			24	1	13	
			25	0	1	
			23	3	2	
			18	0	2	
			22	3	4	
			21	2	19	
		56	24	0	0	
			25	1	1	
		58	4	1	18	
			5	2	3	
		59	1	0	5	
SAGARPUR	55	49	1	1	15	
			10	0	1	
		50	5	0	6	
			6	2	6	
			14/2	0	1	
			15	2	7	

1	2	3	4	5	6
SAGARPUR	55	50	16 17 24	0 1 1	13 12 13
		48	2 3 8 9 11 12 19 20 21 PATH	0 1 0 2 0 2 1 13 13 2 0	10 18 1 4 1 5 13 13 8 0
		41	5 14 13 18 17 23	0 0 0 1 0 2	0 1 1 11 9 8
		39	15 16 25	0 1 0	1 12 17
		40	11 20	0 0	8 11
SANEPER	72	42	5 6	0 0	1 0
		40	25	0	0
		39	21	0	0
SHAHPUR KALAN	71	40	5 6	1 0	2 17
		41	1	0	17
		38	2 3 9 11 12 19 20 21/1 21/2	1 0 2 0 1 0 1 2 0	8 12 0 8 14 2 19 0 5
		27	4 5	1 0	12 8

1	2	3	4	5	6
SHAHPUR KALAN 71	27	7/1 7/2	0 1	16 4	
		13	0	13	
		14	1	8	
		18	2	0	
		17	0	1	
		22	0	1	
		23	2	0	
	26	15 16 24 25	0 1 0 2	7 18 1 2	
	25	11 20 19 14 12 15 6 5 PATH	2 1 0 2 2 1 2 1 0	1 0 2 2 0 4 0 8 4	
	24	1 10 PATH	0 0 0	11 0 4	
	16	2 3 9 12 11 20 19 21	1 0 2 1 0 1 0 2	2 18 0 18 3 18 3 0	
	15	25	0	1	
	11	3 8 13 18 23/1 23/2 4/1 4/2	2 2 2 2 1 1 0 0	0 0 0 0 9 11 1 0	
	7	3 4 7	0 2 1	1 0 12	

1	2	3	4	5	6
SHAHPUR KALAN	71	7	8	0	5
			13	0	15
			14	0	18
			18	1	10
			17	0	16
			23	1	13
			24/1	0	2
			24/2	0	0
			24/3	0	2
			PATH	0	1
		3	7	1	6
			14	2	0
		3	17	2	0
			24	2	0
			23	0	1
			PATH	0	1
SOTAL	73	8	2	0	0
			9/1	0	17
			9/2	0	8
			8	0	6
			13/1	0	1
			13/2	0	2
			12	1	17
			19	2	0
			18/1	0	0
			18/2	0	0
			22/2	2	0
			22/1	0	1
		11	2	1	17
			9	2	0
			12	2	0
			19	2	0
			22	2	0
			PATH	0	2
		17	1	0	1
			2	1	16
			10	1	8
			9	0	13
			11	2	0
			12	0	0
			20	1	19
			21/1	0	17
			21/2	0	4
		16	25	0	2

1	2	3	4	5	6
SOTAL	73	26	5 6 15 16 24 25	1 2 2 2 0 2	12 0 0 0 0 1
		25	1/1	0	9
		31	4 5 6 7 14/1 14/3 15/1 16 17 24 25	0 1 1 0 0 0 1 0 1 0	1 16 13 7 2 18 2 10 11 16 1
			PATH	1	0
		42	4 5 7 14 17 24/2 24/1	2 0 2 2 2 2	0 0 0 0 0 0
		46	4/3 4/1 4/2 7 82 89 183 87 88	0 0 1 0 1 0 0 0 0	0 4 3 13 0 10 10 10 10
MACHHIGAR	83	1	17 16/2 24 25/1	0 0 0 1	7 11 17 3
		7	4 5 7/1 7/2 6/2 6/1	0 1 0 0 0 0	17 3 9 9 7 10

1	2	3	4	5	6
MACHHGAR	83	7	15/1 15/3 14/2 14/3 17/1 17/2 16 24/2 24/3 25 RASTA	0 0 1 0 1 0 0 1 0 0	5 9 2 0 8 6 2 13 7 1 15
	8		4/1 4/2 7 14 17 24/1 24/2 79	1 0 2 2 1 1 0 0	2 19 0 0 13 19 1 5
	16		3/2 4 8/1 7 13 14/1 18/1 18/2 17/2 309 23	0 2 0 1 1 0 0 1 0 2	0 0 11 10 11 10 16 4 1 0 2
	19		3 8 13/1 13/2 18 19 23 22/2	2 2 2 0 2 0 2 0	0 0 0 0 1 0 0 1
	28		2 3/1 3/2 9 8 13/2 12/1 12/2 19/1 19/2 22/2	0 0 1 1 0 0 0 1 0 1	8 4 8 8 9 1 13 12 18 2 5

1	2	3	4	5	6
MACHHGAR	83	28	26 RASTA	0 0	16 4
		31	2 9 12 19 20 21 22	2 2 2 2 0 0 1	0 0 0 1 0 8 12
		40	1/2 1/3 1/4 2 10/1 10/2 10/3 9 11 20/1 21 82	0 0 1 0 0 1 0 0 2 0 1 15 0	0 8 1 12 2 0 9 0 1 1 5
		44	15 16 25 RASTA	0 0 2 0	0 3 9 9
		45	1 10/1 10/2 11/1 11/2 11/3 20/1 20/2 21	2 1 0 0 0 0 0 1 0	1 3 18 11 12 18 9 1 2
		54	4 5 7 8/1 8/2 13 14 12/2 19 18 22 23	1 0 1 0 1 2 0 0 0 1 0 0	13 17 14 1 0 3 1 1 7 13 7 13

1	2	3	4	5	6
MACHHGAR	83	56	2/2 3/1 9 8 42	0 1 0 0 0	7 13 1 4 0
MUJERI	81	15	9/1 9/2 9/3 12 13 19/1 18 23 26	1 0 0 1 0 0 1 2 0	3 1 13 15 5 2 18 0 0
	24		3/1 3/2 4 7/1 7/2 8 14 17 24 25 16	1 0 0 0 1 0 2 1 1 1 0	16 6 1 3 6 12 1 1 0 0 0
	28		4/1 4/2 5/1 5/2 6/3 7 14/3 15 16 17/1 17/5 24 25/1 25/2 RASTA	0 0 1 1 2 0 0 1 1 0 0 0 0 1 0	1 2 0 0 0 2 2 18 15 3 3 7 2 11 3
	37		4 5 6 7 14/2 15 16/3 17/1	0 1 1 0 0 1 1 0	7 13 13 8 7 13 13 7

1	2	3	4	5	6
MUJERI	81	37	24 25	0 1	7 13
		40	4/2 5/1 5/2 6 7 14 15/1 16/2 17/1 17/2 24 25/1 RASTA	0 0 1 1 0 0 1 1 0 0 1 0	7 11 2 12 11 10 10 7 7 2 10 10 2
		48	4/2 4/3 5 6 7/1 7/2 14 15 16 17 24 25	0 0 1 1 0 0 0 1 1 0 0 1	4 7 10 8 8 5 13 7 7 13 13 7
		51	4 5/1 6/2 7/1 7/2 14 15 16 17	0 1 1 0 0 0 1 0 0	15 5 3 8 10 17 3 13 11

नई दिल्ली, 14 जनवरी, 2003

का. आ. 215.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी और भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3077 तारीख 28 सितम्बर, 2002 द्वारा उत्तर प्रदेश राज्य में सहारनपुर से नजीबाबाद तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पेट्रोलियम उत्पादों के परिवहन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को 11 अक्टूबर, 2002 से उपलब्ध करा दी गई थीं;

और, सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी बिल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : नजीबाबाद

जिला : बिजनौर

राज्य : उत्तर प्रदेश

गांव	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	आर	सेंटीआर
1	2	3	4	5
लालपुर शौजीमल	2/14	0	00	60
अहतमाली				
	9/4	0	01	54
	10	0	00	99
	11	0	01	00
	82	0	12	90
	84/1	0	04	02
	84/2	0	00	50
	84/3	0	03	47
	85	0	02	80
	107	0	02	97
	108	0	01	05
	109	0	02	01
	110	0	03	52
	111	0	02	01
	128/6	0	16	76
	133/1	0	04	53
	133/2	0	09	38
	133/3	0	06	03

1	2	3	4	5
	145	0	02	01
	146	0	06	54
	147	0	06	54
	148	0	01	44
	195	0	06	03
	200	0	03	55
	202	0	00	12
	203	0	02	34
	204	0	05	20
	205	0	00	45
	206	0	00	48
	207	0	14	95
	211/2	0	02	97
लालपुर शौजीमल बिला अहतमाली	9	0	12	57
	14	0	00	84
	15	0	06	37
	16	0	00	18
	18	0	00	42
	19	0	09	39
	20	0	14	58
	21	0	07	04

1	2	3	4	5
	25	0	00	50
	26	0	16	76
	27	0	08	04
	29	0	18	60
	30	0	15	25
	31	0	00	06
	82	0	00	67
	138	0	00	12
	139	0	04	02
शरीफपुर वांगर एहतमाली	59	0	05	36
	28	0	10	73
	61	0	00	67
शरीफपुर वांगर बिला एहतमाली	43	0	03	52
	44	0	14	08
	45	0	01	68
	51	0	04	53
	52	0	12	07
	53	0	09	89

1	2	3	4	5
	54	0	05	70
	55	0	03	18
	59	0	00	42
	61	0	18	43
	62	0	00	08
	64	0	19	94
	65	0	00	42
	69	0	13	07
कैशोपुर	4	0	11	73
	5	0	16	76
	6	0	07	21
	7	0	11	40
	9	0	01	51
	10	0	07	28
	21	0	00	42
	23	0	07	88
	24	0	35	53
	25	0	22	29
	26	0	06	03
पिरथीपुर	111	0	05	36

1	2	3	4	5
	112	0	10	89
सादुल्लानगर	4	0	01	54
	5	0	21	45
	8	0	05	87
	9	0	19	11
	10	0	01	66
	11	0	12	23
	14	0	03	69
	15	0	15	42
	16	0	00	42
	18	0	01	05
	29	0	17	60
	30	0	05	87
	39	0	04	02
खैरपुर जालिका	34	0	06	70
	57	0	24	46
झूंगरपुर	8	0	06	03
	9	0	11	90
	10	0	11	06

1	2	3	4	5
	20	0	10	06
	21	0	00	96
	23	0	28	16
	25	0	25	81
	27	0	02	35
	28	0	02	01
	31	0	20	11
	32	0	16	42
	34	0	14	07
	35	0	02	80
तेली नंगली	03	0	00	42
	11	0	27	32
	12	0	11	06
	13	0	10	56
	18	0	00	42
	19	0	25	81
	20	0	06	70
	21	0	09	05
	24	0	15	25
	25	0	00	08
	26	0	23	29

1	2	3	4	5
महसापुर	23	0	00	35
	27	0	17	10
	28	0	00	02
	29	0	11	06
	30	0	00	42
	32	0	05	03
	33	0	12	07
	35	0	00	02
	70	0	05	70
	71	0	30	67
	80	0	27	32
	85	0	02	68
	86	0	04	86
	88	0	18	27
	89	0	11	73
सौफतपुर	95	0 -	00	42
	96	0	00	67
	97	0	01	01
	99	0	25	39
	100	0	10	39
	101	0	00	80

1	2	3	4	5
	270	0	00	42
	271	0	05	03
	277	0	30	84
	302	0	00	42
	310	0	15	08
	315	0	12	40
	316	0	00	42
	317	0	06	70
	320	0	15	75
	321	0	01	10
	322	0	00	34
	358	0	08	88
	359	0	03	02
	360	0	06	37
	361	0	06	37
	362	0	00	42
	363	0	03	02
	364	0	13	24
	389	0	03	69
	391	0	05	53
चमरौला	21	0	01	13
	23	0	00	92

1	2	3	4	5
	24	0	00	62
	25	0	27	15
	34	0	05	44
	78	0	23	80
	79	0	21	29
	81	0	15	25
	82	0	00	67
	83	0	08	04
	84	0	11	73
	85	0	12	91
	86	0	12	40
नूरमपुर	33	0	02	68
	34	0	13	58
	42	0	23	46
	50	0	28	49
	51	0	16	76
	52	0	04	36
हरेवली	14	0	00	24
	15	0	10	56
	16	0	00	08

1	2	3	4	5
	20	0	03	69
	21	0	16	93
	22	0	14	08
	23	0	14	08
	24	0	01	14
	30	0	24	30
	31	0	29	50
	52	0	00	67
	61	0	06	37
	62	0	07	73
	63	0	15	42
	64	0	06	54
	65	0	00	16
	67	0	00	42
	68	0	19	61
हरनाथपुर	16	0	07	04
	21	0	40	89
	23	0	29	49
	26	0	00	67
	27	0	00	04
	28	0	52	46

1	2	3	4	5
	29	0	11	56
	31	0	07	37
शेरपुर अभी	408	0	06	36
	409	0	02	68
	421	0	07	20
राजपुर नवादा	3	0	45	58
	15	0	31	84
	17	0	00	04
	18	0	26	31
	19	0	00	42
	20	0	34	86
	21	0	00	24
	23	0	00	50
सिकरौडा	13	0	12	90
	14	0	37	88
	17	0	28	83
	22	0	34	86
	29	0	26	15
	30	0	19	94

1	2	3	4	5
	35	0	09	39
	36	0	33	85
	47	0	50	11
	138	0	07	04
	162	0	00	15
	163	0	06	37
	164	0	04	52
	166	0	08	10
	167	0	08	71
	173	0	09	89
	174	0	05	70
	176	0	08	71
	177	0	07	71
	178	0	00	92
	179	0	29	83
	180	0	05	36
	181	0	00	67
	186	0	19	44
	187	0	00	16
	188	0	09	05
	189	0	05	18
	190	0	31	17

1	2	3	4	5
	191	0	08	04
हरायपुर	1	0	00	67
	2	0	17	93
	3	0	03	00
दुन्तेपुर	61	0	20	11
	62	0	00	34
	185	0	20	78
	187	0	17	43
	189	0	00	67
	190	0	00	50
	204	0	04	86
	206	0	00	50
	207	0	00	50
	208	0	27	99
	213	0	00	50
	214	0	00	51
	215	0	07	71
	217	0	06	70
	218	0	03	18
	220	0	00	46

1	2	3	4	5
	221	0	03	27
	222	0	03	85
	223	0	03	52
	224	0	04	52
	225	0	01	22
	226	0	00	50
	227	0	00	50
	228	0	03	02
	229	0	00	58
शेखपुरा आलन	3	0	03	18
	4	0	02	51
	7	0	02	68
	10	0	24	80
	19	0	01	25
	120	0	05	17
	121	0	02	18
	122	0	05	60
	123	0	00	08
	124	0	03	35
	125	0	00	24
	126	0	18	27

1	2	3	4	5
	154	0	01	34
	155	0	03	13
	161	0	09	39
	162	0	09	18
	164	0	07	41
	167	0	00	34
	169	0	20	11
	170	0	19	27
	171	0	04	86
	172	0	31	68
	174	0	04	84
नंगला सेम्बल	84	0	00	42
	87	0	05	95
	92	0	06	03
	94	0	02	16
	95	0	01	52
	193	0	00	64
	194	0	14	58
	195	0	18	10
	196	0	07	37
	197	0	00	42

1	2	3	4	5
कलेहडी एहतमाली	14	0	05	36
	15	0	08	88
	16	0	09	39
	17	0	00	42
	18	0	24	64
	24	0	00	42
	27	0	19	11
	29	0	01	60
	30	0	03	36
	32	0	27	19
	33	0	00	21
	34	0	00	42
	35	0	00	08
	53	0	00	05
	54	0	24	30
	56	0	00	42
	74	0	00	42
	78	0	05	36
	87	0	00	42
	102	0	00	21
	103	0	01	68
	104	0	01	51

1	2	3	4	5
	105	0	00	48
	111	0	00	42
	112	0	00	80
	113	0	05	52
	114	0	03	69
	117	0	00	12
	118	0	00	36
	122	0	13	06
	123	0	00	21
	124	0	03	36
	129	0	00	67
	130	0	14	74
नंगला हरदास	72	0	14	08
	74	0	29	67
	75	0	00	42
	81	0	05	45
	82	0	01	80
नरायनपुर इन्च्छा बिला एहतमाली	41	0	04	36
	42	0	04	02

1	2	3	4	5
	48	0	00	42
	49	0	34	69
	62	0	00	42
	63	0	05	20
नरायनपुर इन्च्छा अहतमाली	351	0	00	42
	359	0	00	99
	360	0	03	02
	361	0	00	64
	366	0	07	21
	370	0	00	42
	379	0	00	67
	386	0	04	36
	387	0	11	72
	388	0	04	86
हकीमपुर दिसौन्दी अहतमाली	217	0	00	24
	218	0	03	35
	219	0	00	42
	221	0	05	36
	222	0	04	02
	228	0	15	08

1	2	3	4	5
	229	0	01	32
	230	0	00	21
	231	0	00	42
	236	0	13	74
	237	0	18	60
	241	0	00	21
	248	0	00	42
मौह—३ अलीपुर हृदय	2	0	00	42
अह—ली				
	6	0	10	24
	9	0	00	42
	10	0	00	20
	11	0	01	10
	13	0	01	20
	14	0	06	70
	15	0	04	11
	20	0	00	36
	21	0	01	66
	22	0	01	53
	31	0	00	45
	32	0	01	32
	33	0	00	40

1	2	3	4	5
	34	0	02	68
	56	0	01	68
	73	0	02	10
	74	0	15	42
	75	0	03	35
	77	0	12	40
	78	0	00	48
	91	0	00	08
	92	0	03	60
	93	0	08	72
	94	0	05	03
	95	0	01	80
	100	0	01	79
	101	0	09	39
	102	0	05	03
	103	0	02	00
	104	0	10	34
	175	0	00	84
	176	0	02	68
	177	0	01	20
	180	0	00	42
	182	0	00	32

1	2	3	4	5
	183	0	01	34
	184	0	02	01
	185	0	02	01
	186	0	00	48
	187	0	01	90
	190	0	03	23
अलीपुरा अहतमाली	97	0	01	01
	101	0	04	86
	104	0	09	39
	105	0	05	53
	106	0	07	04
	108	0	06	03
	110	0	06	70
	112	0	11	06
	140	0	07	37
किशोरपुर एहतमाली	6	0	14	58
	7	0	36	37
	8	0	07	68
	9	0	03	04
	286	0	06	03

1	2	3	4	5
	307	0	00	20
	310	0	03	96
	311	0	03	96
	312	0	00	42
	313	0	04	32
	314	0	00	36
	315	0	20	45
	318	0	00	32
	319	0	12	23
	320	0	04	69
	328	0	00	33
	413	0	00	98
	414	0	02	68
	415	0	00	67
	416	0	00	67
	417	0	03	85
	420	0	00	16
	421	0	05	03
	422	0	02	01
हरसुवाडा विला एहतमाली	77	0	07	10
	79	0	01	49

1	2	3	4	5
	81	0	03	18
	82	0	03	69
	83	0	03	40
	90	0	04	76
	91	0	04	55
	93	0	04	40
	94	0	06	17
	95	0	09	43
	96	0	04	02
	97	0	03	69
	98	0	04	19
	99	0	03	35
	100	0	03	35
	101	0	08	38
	102	0	00	42
	103	0	05	36
	104	0	08	21
राहुखेड़ी कौरा	31	0	00	42
	33	0	01	68
	35	0	00	21
	42	0	03	83

1	2	3	4	5
	94	0	12	00
	109	0	00	30
	110	0	04	10

[फ. सं. आर-25011/32/2002-ओ.आर-I]
रेतुका कुमार, अवर सचिव

New Delhi, the 14th January, 2003

S. O. 215.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 3077 dated the 28th September, 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of petroleum products from Saharanpur to Najibabad in the State of Uttar Pradesh by the Indian Oil Corporation Limited;

And whereas, copies of the said gazette notification were made available to the public from the 11th October, 2002;

And whereas, the competent authority in pursuance of sub-section (1) of section 6 of the said Act, has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And, further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of users in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Najibabad District : Bijnor State : Uttar Pradesh

Village	Khasra No.	Area		
		Hectare	Are	Centiare
1	2	3	4	5
Lalpur Shoujimal	2/14	0	00	60
Ahtmali				
	9/4	0	01	54
	10	0	00	99
	11	0	01	00
	82	0	12	90
	84/1	0	04	02
	84/2	0	00	50
	84/3	0	03	47
	85	0	02	80
	107	0	02	97
	108	0	01	05
	109	0	02	01
	110	0	03	52
	111	0	02	01
	128/6	0	16	76
	133/1	0	04	53
	133/2	0	09	38
	133/3	0	06	03
	145	0	02	01

1	2	3	4	5
	146	0	06	54
	147	0	06	54
	148	0	01	44
	195	0	06	03
	200	0	03	55
	202	0	00	12
	203	0	02	34
	204	0	05	20
	205	0	00	45
	206	0	00	48
	207	0	14	95
	211/2	0	02	97
Lalpur Shoujimal Bila Ahtmali	9	0	12	57
	14	0	00	84
	15	0	06	37
	16	0	00	18
	18	0	00	42
	19	0	09	39
	20	0	14	58
	21	0	07	04
	25	0	00	50

1	2	3	4	5
	26	0	16	76
	27	0	08	04
	29	0	18	60
	30	0	15	25
	31	0	00	06
	82	0	00	67
	138	0	00	12
	139	0	04	02
Sharifpur Bangar Ahtmali	59	0	05	36
	60	0	10	73
	61	0	00	67
Sharifpur Bangar Bila Ahtmali	43	0	03	52
	44	0	14	08
	45	0	01	68
	51	0	04	53
	52	0	12	07
	53	0	09	89
	54	0	05	70
	55	0	03	18
	59	0	00	42

1	2	3	4	5
	61	0	18	43
	62	0	00	08
	64	0	19	94
	65	0	00	42
	69	0	13	07
Keshopur	4	0	11	73
	5	0	16	76
	6	0	07	21
	7	0	11	40
	9	0	01	51
	10	0	07	28
	21	0	00	42
	23	0	07	88
	24	0	35	53
	25	0	22	29
	26	0	06	03
Prithipur	111	0	05	36
	112	0	10	89
Sadullanagar	4	0	01	54

1	2	3	4	5
	5	0	21	45
	8	0	05	87
	9	0	19	11
	10	0	01	66
	11	0	12	23
	14	0	03	69
	15	0	15	42
	16	0	00	42
	18	0	01	05
	29	0	17	60
	30	0	05	87
	39	0	04	02
Khairpur Jalika	34	0	06	70
	57	0	24	46
Dungarpur	8	0	06	03
	9	0	11	90
	10	0	11	06
	20	0	10	06
	21	0	00	96
	23	0	28	16

1	2	3	4	5
	25	0	25	81
	27	0	02	35
	28	0	02	01
	31	0	20	11
	32	0	16	42
	34	0	14	07
	35	0	02	80
Taili Nangli	03	0	00	42
	11	0	27	32
	12	0	11	06
	13	0	10	56
	18	0	00	42
	19	0	25	81
	20	0	06	70
	21	0	09	05
	24	0	15	25
	25	0	00	08
	26	0	23	29
Mahamsapur	23	0	00	35
	27	0	17	10

1	2	3	4	5
	28	0	00	02
	29	0	11	06
	30	0	00	42
	32	0	05	03
	33	0	12	07
	35	0	00	02
	70	0	05	70
	71	0	30	67
	80	0	27	32
	85	0	02	68
	86	0	04	86
	88	0	18	27
	89	0	11	73
Saufatpur	95	0	00	42
	96	0	00	67
	97	0	01	01
	99	0	25	39
	100	0	10	39
	101	0	00	80
	270	0	00	42
	271	0	06	03

1	2	3	4	5
	277	0	30	84
	302	0	00	42
	310	0	15	08
	315	0	12	40
	316	0	00	42
	317	0	06	70
	320	0	15	75
	321	0	01	10
	322	0	00	34
	358	0	08	88
	359	0	03	02
	360	0	06	37
	361	0	06	37
	362	0	00	42
	363	0	03	02
	364	0	13	24
	389	0	03	69
	391	0	05	53
Chamraula	21	0	01	13
	23	0	00	92
	24	0	00	62

1	2	3	4	5
	25	0	27	15
	34	0	05	44
	78	0	23	80
	79	0	21	29
	81	0	15	25
	82	0	00	67
	83	0	08	04
	84	0	11	73
	85	0	12	91
	86	0	12	40
Noorampur	33	0	02	68
	34	0	13	58
	42	0	23	46
	50	0	28	49
	51	0	16	76
	52	0	04	36
Harevali	14	0	00	24
	15	0	10	56
	16	0	00	08
	20	0	03	69

1	2	3	4	5
	21	0	16	93
	22	0	14	08
	23	0	14	08
	24	0	01	14
	30	0	24	30
	31	0	29	50
	52	0	00	67
	61	0	06	37
	62	0	07	73
	63	0	15	42
	64	0	06	54
	65	0	00	16
	67	0	00	42
	68	0	19	61
Harnathpur	16	0	07	04
	21	0	40	89
	23	0	29	49
	26	0	00	67
	27	0	00	04
	28	0	52	46
	29	0	11	56

1	2	3	4	5
	31	0	07	37
Sherpur Abhi	408	0	06	36
	409	0	02	68
	421	0	07	20
 Rajpur Navada	 3	 0	 45	 58
	15	0	31	84
	17	0	00	04
	18	0	26	31
	19	0	00	42
	20	0	34	86
	21	0	00	24
	23	0	00	50
 Sikrodda	 13	 0	 12	 90
	14	0	37	88
	17	0	28	83
	22	0	34	86
	29	0	26	15
	30	0	19	94
	35	0	09	39

1	2	3	4	5
	36	0	33	85
	47	0	50	11
	138	0	07	04
	162	0	00	15
	163	0	06	37
	164	0	04	52
	166	0	08	10
	167	0	08	71
	173	0	09	89
	174	0	05	70
	176	0	08	71
	177	0	07	71
	178	0	00	92
	179	0	29	83
	180	0	05	36
	181	0	00	67
	186	0	19	44
	187	0	00	16
	188	0	09	05
	189	0	05	18
	190	0	31	17
	191	0	08	04

1	2	3	4	5
Harraipur	1	0	00	67
	2	0	17	93
	3	0	03	00
Mussepur	61	C	20	11
	62	C	00	34
	185	C	20	78
	187	C	17	43
	189	C	00	67
	190	C	00	50
	204	0	04	86
	206	0	00	50
	207	0	00	50
	208	0	27	99
	213	0	00	50
	214	0	00	51
	215	0	07	71
	217	0	06	70
	218	0	03	18
	220	0	00	46
	221	0	03	27
	222	0	03	85

1	2	3	4	5
	223	0	03	52
	224	0	04	52
	225	0	01	22
	226	0	00	50
	227	0	00	50
	228	0	03	02
	229	0	00	58
Shekhpura Alam	3	0	03	18
	4	0	02	51
	7	0	02	68
	10	0	24	80
	19	0	01	25
	120	0	05	17
	121	0	02	18
	122	0	05	60
	123	0	00	08
	124	0	03	35
	125	0	00	24
	126	0	18	27
	154	0	01	34
	155	0	03	13

1	2	3	4	5
	161	0	09	39
	162	0	09	18
	164	0	07	41
	167	0	00	34
	169	0	20	11
	170	0	19	27
	171	0	04	86
	172	0	31	68
	174	0	04	84
Nagla Sembal	84	0	00	42
	87	0	05	95
	92	0	06	03
	94	0	02	16
	95	0	01	52
	193	0	00	64
	194	0	14	58
	195	0	18	10
	196	0	07	37
	197	0	00	42
Kalheri Ahtmali	14	0	05	36

1	2	3	4	5
	15	0	08	88
	16	0	09	39
	17	0	00	42
	18	0	24	64
	24	0	00	42
	27	0	19	11
	29	0	01	60
	30	0	03	36
	32	0	27	19
	33	0	00	21
	34	0	00	42
	35	0	00	08
	53	0	00	05
	54	0	24	30
	56	0	00	42
	74	0	00	42
	78	0	05	36
	87	0	00	42
	102	0	00	21
	103	0	01	68
	104	0	01	51
	105	0	00	48

1	2	3	4	5
	111	0	00	42
	112	0	00	80
	113	0	05	52
	114	0	03	69
	117	0	00	12
	118	0	00	36
	122	0	13	06
	123	0	00	21
	124	0	03	36
	129	0	00	67
	130	0	14	74
Nangla Hardas	72	0	14	08
	74	0	29	67
	75	0	00	42
	81	0	05	45
	82	0	01	80
Narayanpur Inchha Bila Ahtmali	41	0	04	36
	42	0	04	02
	48	0	00	42
	49	0	34	69

1	2	3	4	5
	62	0	00	42
	63	0	05	20
Narayanpur Inchha Ahtmali	351	0	00	42
	359	0	00	99
	360	0	03	02
	361	0	00	64
	366	0	07	21
	370	0	00	42
	379	0	00	67
	386	0	04	36
	387	0	11	72
	388	0	04	86
Hakimpur Disonchi Ahtmali	217	0	00	24
	218	0	03	35
	219	0	00	42
	221	0	05	36
	222	0	04	02
	228	0	15	08
	229	0	01	32
	230	0	00	21
	231	0	00	42

1	2	3	4	5
	236	0	13	74
	237	0	18	60
	241	0	00	21
	248	0	00	42
Mohamad Alipur Hriday Ahtmali	2	0	00	42
	6	0	10	24
	9	0	00	42
	10	0	00	20
	11	0	01	10
	13	0	01	20
	14	0	06	70
	15	0	04	11
	20	0	00	36
	21	0	01	66
	22	0	01	53
	31	0	00	45
	32	0	01	32
	33	0	00	40
	34	0	02	68
	56	0	01	68
	73	0	02	10
	74	0	15	42

1	2	3	4	5
	75	0	03	35
	77	0	12	40
	78	0	00	48
	91	0	00	08
	92	0	03	60
	93	0	08	72
	94	0	05	03
	95	0	01	80
	100	0	01	79
	101	0	09	39
	102	0	05	03
	103	0	02	00
	104	0	10	34
	175	0	00	84
	176	0	02	68
	177	0	01	20
	180	0	00	42
	182	0	00	32
	183	0	01	34
	184	0	02	01
	185	0	02	01
	186	0	00	48

1	2	3	4	5
	187	0	01	90
	190	0	03	23
Alipura Ahtmali	97	0	01	01
	101	0	04	86
	104	0	09	39
	105	0	05	53
	106	0	07	04
	108	0	06	03
	110	0	06	70
	112	0	11	06
	140	0	07	37
Kishorpur Ahtmali	6	0	14	58
	7	0	36	37
	8	0	07	68
	9	0	03	04
	286	0	06	03
	307	0	00	20
	310	0	03	96
	311	0	03	96

1	2	3	4	5
	312	0	00	42
	313	0	04	32
	314	0	00	36
	315	0	20	45
	318	0	00	32
	319	0	12	23
	320	0	04	69
	328	0	00	33
	413	0	00	98
	414.	0	02	68
	415	0	00	67
	416	0	00	67
	417	0	03	85
	420	0	00	16
	421	0	05	03
	422	0	02	01
Harsuvada Bila Ahtmali	77	0	07	10
	79	0	01	49
	81	0	03	18
	82	0	03	69

1	2	3	4	5
	83	0	03	40
	90	0	04	76
	91	0	04	55
	93	0	04	40
	94	0	06	17
	95	0	09	43
	96	0	04	02
	97	0	03	69
	98	0	04	19
	99	0	03	35
	100	0	03	35
	101	0	08	38
	102	0	00	42
	103	0	05	36
	104	0	08	21
Rahukheri Kaura	31	0	00	42
	33	0	01	68
	35	0	00	21
	42	0	03	83
	94	0	12	00
	109	0	00	30

1	2	3	4	5
	110	0	04	10

[No. R-25011/32/2002-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 16 जनवरी, 2003

का. आ. 216.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 11 मई, 2002 में पृष्ठ संख्या 4580 से 4583 पर प्रकाशित, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1583 तारीख 7 मई, 2002 में निम्नलिखित संशोधन करती है;

उक्त अधिसूचना की अनुसूची में पृष्ठ संख्या 4581 पर,

स्तंभ 1 में गांव “बरखेडा सालम” के सामने स्तंभ 2 की सर्वेक्षण संख्या “1436” में, स्तंभ संख्या 3, 4 एवं 5 के “0-15-03” क्षेत्रफल के स्थान पर “0-17-96” क्षेत्रफल रखा जाएगा;

[फा. सं. एल.-14014/26/2001-जी.पी.]
स्वामी सिंह, निदेशक

New Delhi, the 16th January, 2003

S. O. 216.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O 1583, dated the 7th May 2002 published at pages 4580 to 4583 in part II, section 3, sub-section (ii) of the Gazette of India dated the 11th May, 2002, namely;

In the Schedule to the said notification at page 4583,
against village “BARKHEDA SALAM” in column 1,
in survey No.”1436” in column 2, for the areas
“0-15-03” in columns 3.4 and 5, area “0-17-96”,
shall be substituted.

[No. L-14014/26/2001-G.P.]
SWAMY SINGH, Director

DIRECTOR
(F.No.L-14014/26/01-GP)

नई दिल्ली, 16 जनवरी, 2003

का. आ. 217.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 370 तारीख 01 फरवरी, 2002 और का आ. 1653 तारीख 13 मई, 2002 द्वारा गुजरात राज्य में जामनगर से मध्यप्रदेश राज्य में भोपाल तक जामनगर-भोपाल पाइपलाइन परियोजना के माध्यम से पुनः गैसीकृत द्रवित प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 23 मार्च, 2002 और 07 अगस्त, 2002 को उपलब्ध करा दी गई थीं ;

और पाइपलाइन बिछाने के सम्बन्ध में, जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया है ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विलंगमों से मुक्त गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड में निहित होगा ।

अनुसूची

तालुका : बावला

जिला : अहमदाबाद

राज्य : गुजरात

गाव का नाम

सर्वे नंबर / ब्लॉक नंबर

क्षेत्रफल

हेक्टर आरे स्केर मी.

1

2

3

4

5

1. धनवाडा	261	0	02	20
	योटल	0	02	20

1	2	3	4	5
2. सरला	10	0	40	10
	टेट्टल	0	40	10
3. शियाल	717/2	0	44	10
	टेट्टल	0	44	10

[फा. सं. एल.-14014/12/2002-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 16th January, 2003

S. O. 217.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 370 dated the 1st February, 2002 and S.O. 1653 dated the 13th May, 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of regassified liquefied natural gas through the Jamnagar-Bhopal Pipeline Project from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh by Gas Transportation and Infrastructure Company Limited

And whereas the copies of the said Gazette notifications were made available to the public on the 23rd March, 2002 and 7th August, 2002;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government after considering the said report and on being satisfied that the said land is required for laying pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired, for laying the pipeline.;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Gas Transportation and Infrastructure Company Limited, free from all encumbrances.

SCHEDULE

Taluka : BAVLA

District : AHMEDABAD

State : Gujarat

Name of the Village	Survey No.	Area		
		Hectare	Are	Sq.Mtr.
1	2	3	4	5
1. DHANWADA	261	0	02	20
		Total :-	0	02 20
2. SARLA	10	0	40	10
		Total :-	0	40 10
3. SHIYAL	717/2	0	44	10
		Total :-	0	44 10

[No. L-14014/12/2002-G.P.]
SWAMY SINGH, Director

नई दिल्ली, 16 जनवरी, 2003

का. आ. 218.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस भंत्रालय की अधिसूचना सं 30 का 0 आ 211 तारीख 22 जनवरी, 2002 और इसके संसाधनों क्रमशः का 0 आ 2823 तारीख 3 सितम्बर, 2002 और का 0 आ 2824 तारीख 3 सितम्बर, 2002 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मैसर्स रिलायंस इण्डस्ट्रीज लिमिटेड, जो मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड की संप्रवर्तक कम्पनी है, के गोवा के उत्तरी/दक्षिणी अपतट में खोज ब्लाकों और आन्ध्र प्रदेश में संरचनाओं से आन्ध्र प्रदेश राज्य में मेडक जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 21 फरवरी, 2002 और 30 सितम्बर, 2002 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग का अधिकार अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि के उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त, मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड में निहित होगा ।

अनुसूची

पेरिया

गांव का नाम	सर्वे नंबर	संब-डिविजन नंबर	हेक्टर	ऐर	सि-ऐर
1	2	3	4	5	6
मण्डल : कोणडापूर				राष्ट्र : आन्ध्रप्रदेश	
1. तोगरपल्ली	61	-	0	22	00
	66	-	0	74	00
कुल	2		0	96	00
2. मल्कापूर	298	154	0	11	35
	481	-	0	28	00
	540	-	0	10	00
कुल	3		0	49	35
मण्डल : संगारेड्डी				राष्ट्र : आन्ध्रप्रदेश	
1. केतलापूर	100	-	0	52	50
	102	-	0	67	60
कुल	2		1	20	10
2. चेर्याल	54	-	0	31	00
	61	-	0	66	20
	741	-	3	13	20
कुल	3		4	10	40
मण्डल : पठानपेस्तु				राष्ट्र : आन्ध्रप्रदेश	
1. रुद्रवरम	956	-	0	01	00
	793	-	0	08	00
कुल	2		0	09	00
2. चितुकुला	58	-	0	15	30
	59	-	0	28	05
	60	-	0	40	90
	61	-	0	13	35
	62	-	0	42	95
	63	-	0	58	00
	68	-	0	03	15
	80	-	0	15	25
	82	-	0	09	35
	86	-	0	22	70
	87	-	0	32	45
	89	-	0	53	95
	480	-	0	50	95
	544	-	0	18	85
	545	-	0	79	90
	547	-	0	47	30
	549	-	0	08	50
	550	-	0	49	75
	551	-	0	00	10
	553	-	0	24	20
कुल	20		6	14	95
3. पेत्तकंजला	120	-	0	90	05
कुल	1		0	90	05
मण्डल : जिन्नारम				राष्ट्र : आन्ध्रप्रदेश	
1. माध्यवरमु	27	-	0	08	00
	34	-	2	50	00
कुल	2		2	58	00

1	2	3	4	5	6
2. कोडाकंची	285	27	0	22	35
	285	48	0	05	40
कुल	2	0	27	75	
3. गडिपोतारम	26	-	0	13	75
	27	-	0	20	25
	50	-	0	19	00
	51	-	0	26	05
	52	-	0	16	60
	53	-	0	12	50
कुल	6	1	08	15	

[फा. सं. एल.-14014/2/2002-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 16th January, 2003

S. O. 218.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 211 dated the 22nd January, 2002, and amendment thereto vide S.O. 2823 dated the 3rd September 2002 and S.O. 2824 dated the 3rd September 2002 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962) (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to the said notification for the purpose of laying pipeline for transportation of the natural gas from the exploration blocks in the Northern/Southern Offshore of Goa and Structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Gas Transportation and Infrastructure Company Limited to the various consumers of District Medak in the State of Andhra Pradesh, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited

And whereas the copies of the said Gazette notification were made available to the public on the 21st day of February 2002 and 30th September 2002;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And further whereas the Central Government has, after considering the said report and on being satisfied that the said land is required for laying pipeline, decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired, for laying the pipeline.;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of publication of this declaration, in M/s Gas Transportation and Infrastructure Company Limited, free from all encumbrances.

SCHEDULEAREA

Name of the Village	Survey No	Sub-Division No	Hectare	Are	C-Are
1	2	3	4	5	6
Mandal : Kondapur			District : Medak		
				State : Andhra Pradesh	
1. Thogarpalli	61	-	0	22	00
	66	-	0	74	00
Total	2		0	96	00
2. Malkapur	298	154	0	11	35
	481	-	0	28	00
	540	-	0	10	00
Total	3		0	49	35
Mandal : Sangareddy			District : Medak		
				State : Andhra Pradesh	
1. Kothlapur	100	-	0	52	50
	102	-	0	67	60
Total	2		1	20	10
2. Cheriyal	54	-	0	31	00
	61	-	0	66	20
	741	-	3	13	20
Total	3		4	10	40
Mandal : Patancheruvu			District : Medak		
				State : Andhra Pradesh	
1. Rudravaram	956	-	0	01	00
	793	-	0	08	00
Total	2		0	09	00
2. Chitukula	58	-	0	15	30
	59	-	0	28	05
	60	-	0	40	90
	61	-	0	13	35
	62	-	0	42	95
	63	-	0	58	00
	68	-	0	03	15
	80	-	0	15	25
	82	-	0	09	35
	86	-	0	22	70
	87	-	0	32	45
	89	-	0	53	95
	480	-	0	50	95
	544	-	0	18	85
	545	-	0	79	90
	547*	-	0	47	30
	549	-	0	08	50
	550	-	0	49	75
	551	-	0	00	10
	553	-	0	24	20
Total	20		6	14	95
3. Peddakanjarla	120	-	0	90	05
Total	1		0	90	05
Mandal : Jinnaram			District : Medak		
				State : Andhra Pradesh	
1. Madhavaram	27	-	0	08	00
	34	-	2	50	00
Total	2		2	58	00

1	2	3	4	5	6
2. Kodakanchi	285	27	0	22	35
	285	48	0	05	40
Total	2		0	27	75
3. Gadipotharam	26	-	0	13	75
	27	-	0	20	25
	50	-	0	19	00
	51	-	0	26	05
	52	-	0	16	60
	53	-	0	12	50
Total	6		1	08	15

[No. L-14014/2/2002-G.P.]
SWAMY SINGH, Director

नई दिल्ली, 16 जनवरी, 2003

का. आ. 219.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में जामनगर से मध्यप्रदेश राज्य में भोपाल तक पुनः गैसीकृत द्रवित प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड द्वारा जामनगर-भोपाल पाइपलाइन परियोजना के क्रियान्वयन के लिए पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इककीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री एम. सी. रेजा, सक्षम प्राधिकारी जी० टी० आई० सी० एल० पाइपलाइन परियोजना, प्लाट नं० 7, क्वालिटी बिजनेस सेन्टर, एम. पी. नगर, जोन-2, भोपाल, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची				
तहसील: हुजूर	जिला: भोपाल	क्षेत्रफल	राज्य: मध्य प्रदेश	
गाँव का नाम	सर्वे नंबर	हेक्टर	आरे	सि—आरे
1	2	3	4	5
1. बरखेडा सालम	1420	0	02	25
प.ह.नं.26	1421	0	01	11
	1424	0	01	31
	1425	0	07	65
	1426	0	04	05
	1434	0	01	48
	1435	0	03	06
	1437	0	00	03

[फा. सं. एल.-14014/26/2001-जी.पी.]

स्वामी सिंह, निदेशक

13.

New Delhi, the 16th January, 2003

S. O. 219.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of the regassified liquefied natural gas from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh a pipeline should be laid by Gas Transportation and Infrastructure Company Limited for implementing Jamnagar -Bhopal pipeline project;

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land under which the said pipeline, is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub- section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land)Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri M.C.Reja, Competent Authority, GTICL Pipeline Project, Plot No.7, Quality Business Center, M.P.Nagar, Zone-II, Bhopal.

SCHEDULE

Tehsil:Huzur Name of the Village	District: Bhopal		State: Madhya Pradesh AREA	
	Survey No 1	Hectare 2	Are 4	C-Are 5
1. BARKHEDA SALAM	1420	0	02	25
P.C.NO- 26	1421	0	01	11
	1424	0	01	31
	1425	0	07	65
	1426	0	04	05
	1434	0	01	48
	1435	0	03	06
	1437	0	00	03

[No. L-14014/26/2001-G.P.]
SWAMY SINGH, Director

नई दिल्ली, 16 जनवरी, 2003

का. आ. 220.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2284 तारीख 04 जुलाई 2002 द्वारा संशोधित का आ. सं. 2283 द्वारा गुजरात राज्य में जामनगर से मध्यप्रदेश राज्य में भोपाल तक जामनगर-भोपाल पाइपलाइन परियोजना के माध्यम से पुनः गैसीकृत द्रवित प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उन अधिसूचनाओं से संलग्न अनुसूचियों में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचनाओं की प्रतियाँ जनता को तारीख 13 अगस्त 2002 को उपलब्ध करा दी गई थीं ;

और पाइपलाइन बिछाने के सम्बन्ध में, जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अनुज्ञात कर दिया गया है ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पाइपलाइन बिछाने के लिए उक्त भूमि उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए सभी विलंगमों से मुक्त गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड में निहित होगा ।

अनुसूची

तहसील: कालापीपल गाँव का नाम	जिला: शाजापुर	क्षेत्रफल			राज्य: मध्य प्रदेश
		सर्वे नंबर	हेक्टर	आरे	
1	2	3	4	5	
1. सुकलिया	511/2-521	0	21	70	
प.ह.नं. 43	518-519-520	0	15	00	
	394/2-395/1/2- 396/1/2	{	0	00	20
	512/2-514/1- 531/1	{	0	02	00
	398/2-400/1	0	12	00	
	524/2-524/3	0	18	90	
	398/1 मिन	0	41	00	
	398/1 मिन	0	03	50	
	400/1	0	37	00	
	400/1/2	0	45	00	
	400/3, 400/4, 400/5	{	0	54	00
	योग	2	50	30	
2. गाडरा खेड़ी	341/1-341/2- 299/4	{	0	08	60
प.ह.नं.-39/2	419/2-419/3	0	30	70	
	525/1-525/4- 545/3-545/6	{	0	49	80
	370/1-370/2- 370/3	{	0	00	20
	343-349/2	0	16	50	
	337-342	0	65	40	
	396-397/2 मिन	0	20	00	
	396-397/2 मिन	0	08	50	
	420-421-424/2	0	58	50	
	438/3-440	0	09	00	
	441/1-438/2	0	23	80	
	570/2-569/1	0	35	00	
	555-556	0	41	00	
	537/2-540/1- 542/2-545/2	{	0	65	80
	554/1-554/2	0	08	00	
	335/3-336/1-336/2- 338/1	{	0	10	70
	422	0	20	40	
	योग	4	71	90	

1	2	3	4	5
3. खमलाय	918/1-920/1-			
प.ह.नं. 42	921-924/1	0	30	50
	973/2-976/2	0	12	00
	973/2-976/1	0	11	80
	946-948/1	0	54	70
	936-937/1	0	14	60
	925-926-			
	927-934	0	87	40
	880/1-881/1	0	07	50
	890/1-891-			
	892-893/1	0	45	90
	218/2-243-			
	245-246	0	00	30
	228/1-			
	229-230	0	39	00
	233-236/1	0	24	00
	458-459/2	0	10	00
	403	0	01	00
	929/1-930/2-			
	931/1-932/1	0	03	00
	1017/3-1021	0	03	10
	1039-1040	0	20	30
	462-463	0	69	30
	263/1	0	37	00
	263/2	0	32	70
	योग	5	04	10

[फ. सं. एल.-14014/24/2002-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 16th January, 2003

S. O. 220.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2283 number S.O. 2284 dated the 4th July, 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to those notifications for the purpose of laying pipeline for transportation of regassified liquefied natural gas through the Jamnagar-Bhopal Pipeline Project from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh by Gas Transportation and Infrastructure Company Limited

And whereas the copies of the said Gazette notifications were made available to the public on the 13th August, 2002;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired, for laying the pipeline.;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of publication of the declaration, in the Gas Transportation and Infrastructure Company Limited, free from all encumbrances.

SCHEDULE

Tehsil: Kalapipal Name of the Village		District: Shajapur		State: Madhya Pradesh AREA	
1	2	3	4	5	
1. SUKLIYA	511/2-521	0	21	70	
P.C.NO – 43	518-519-520	0	15	00	
	394/2-395/1/2- 396/1/2	{ 0	00	20	
	512/2-514/1- 531/1	{ 0	02	00	
	398/2-400/1	0	12	00	
	524/2-524/3	0	18	90	
	398/1 Min	0	41	00	
	398/1 Min	0	03	50	
	400/1	0	37	00	
	400/1/2	0	45	00	
	400/3, 400/4, 400/5	{ 0	54	00	
	TOTAL	2	50	30	
2. GADRAKHEDI	341/1-341/2- 299/4	{ 0	08	60	
P.C.NO – 39/2	419/2-419/3	0	30	70	
	525/1-525/4- 545/3-545/6	{ 0	49	80	
	370/1-370/2- 370/3	{ 0	00	20	
	343-349/2	0	16	50	
	337-342	0	65	40	
	396-397/2 Min	0	20	00	
	396-397/2 Min	0	08	50	
	420-421-424/2	0	58	50	

1	2	3	4	5
	438/3-440	0	09	00
	441/1-438/2	0	23	80
	570/2-569/1	0	35	00
	555-556	0	41	00
	537/2-540/1- 542/2-545/2	0	65	80
	554/1-554/2	0	08	00
	335/3-336/1-336/2- 338/1	0	10	70
	422	0	20	40
	TOTAL	4	71	90
3. KHAMLIYA P.C.NO- 42	918/1-920/1- 921-924/1	0	30	50
	973/2-976/2	0	12	00
	973/2-976/1	0	11	80
	946-948/1	0	54	70
	936-937/1	0	14	60
	925-926- 927-934	0	87	40
	880/1-881/1	0	07	50
	890/1-891- 892-893/1	0	45	90
	218/2-243- 245-246	0	00	30
	228/1- 229-230	0	39	00
	233-236/1	0	24	00
	458-459/2	0	10	00
	403	0	01	00
	929/1-930/2- 931/1-932/1	0	03	00
	1017/3-1021	0	03	10
	1039-1040	0	20	30
	462-463	0	69	30
	263/1	0	37	00
	263/2	0	32	70
	TOTAL	5	04	10

नई दिल्ली, 16 जनवरी, 2003

का. आ. 221.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1497 तारीख 2 मई 2002, और का. आ. 2982 तारीख 20 सितम्बर 2002, द्वारा जो भारत के राजपत्र भाग-2, खंड 3, उपखंड (ii) तारीख 4 मई, और 21 सितम्बर 2002 में प्रकाशित की गई थी, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड की समनुरूपी) द्वारा मुन्द्रा-भटिण्डा अपरिष्कृत तेल पाइपलाइन परियोजना के माध्यम से गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन (सी. ओ. टी.) से पंजाब राज्य में भटिण्डा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 11 अक्टूबर 2002 को उपलब्ध करा दी गई थीं :

और पाइपलाइन बिछाने के सम्बन्ध में जनता से कोई आक्षेप प्राप्त नहीं हुए हैं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाई जाने के लिए अपेक्षित है, उसमें उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने की बजाए, सभी विलंगमों से मुक्त, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड की समनुरूपी) में निहित होगा।

अनुसूची-

तहसील रानियां		जिला सिरसा			राज्य हरियाणा	
क्र. सं.	गांव का नाम	तहसील क्रमांक	खंडना क्रमांक	हिस्सा (यदि कोई है)	क्षेत्रफल क्वाल - मरला	
1	2	3	4	5	6	
1	जीवबबगर	124-26-27	527/4	-	0 - 16	
2	बदोड़	128	27/15	1	2 - 2	
			27/16	1	0 - 1	

1	2	3	4	5	6
3	शिविर	137	148/8	-	3 - 16
4	खारीयां	216	90/19	2	0 - 10
			117/20	2	0 - 12
5	मैडवार्स्ड	225	185	-	0 - 16
6	बालात्तर	228	63/25	2	0 - 17
			86/5	-	2 - 9
			86/14	2	0 - 4
			86/17	1	1 - 15
			86/17	2	0 - 1
			86/24	1	1 - 9
			99/8	1/2	0 - 8
			99/8	2	0 - 3
			99/13	-	2 - 6
			115/2	-	0 - 8
			115/9	-	1 - 6
7	भद्रतात्तरी	229	128/21	1/2	0 - 1
			107/2	2	2 - 13
			118/7	1	0 - 1
			600	2	0 - 5

[फ. सं. आर-31015/5/02-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 16th January, 2003

S.O. 221.—Whereas by notifications of the Government of India in the Ministry of Petroleum and Natural Gas numbers S.O. 1497, dated the 2nd May 2002, and S.O.2982, dated the 20th September 2002, published in Part II, section 3, sub-section (ii) of the Gazette of India, dated the 4th May 2002 and the 21st September 2002, respectively, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda crude oil pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas copies of the said Gazette notification were made available to the public on 11th October, 2002;

And whereas no objections have been received from the public to the laying of the pipeline;

And whereas the competent authority has, under sub-section (1) of section 6 of said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited), free from all encumbrances.

SCHEDULE

Tehsil Rania		District : Sirsa		State : Haryana	
Sr. No.	Name of Village	Hadbast No.	Khasra No.	Part Hissa No.	Extent Kanal - Marla
1	2	3	4	5	6
1	JIWANNAGAR	124-26-27	527/4	-	0 - 16
2	NAKORA	128	27/15	1	2 - 2
			27/16	1	0 - 1
3	RANIA	137	148/8	-	3 - 16
4	KHARIAN	216	90/19	2	0 - 10
			117/20	2	0 - 12
5	MEHNAKHERA	225	185	-	0 - 16
6	BALASAR	228	63/25	2	0 - 17
			86/5		2 - 9
			86/14	2	0 - 4
			86/17	1	1 - 15

1	2	3	4	5	6
7	BHAROLANWALI	229	86/17	2	0 - 1
			86/24	1	1 - 9
			99/8	1/2	0 - 9
			99/8	2	0 - 3
			99/13	-	2 - 6
			115/2	-	0 - 8
			115/9	-	1 - 8
			128/21	1/2	0 - 1
			107/2	2	2 - 13
			118/7	1	0 - 1
			600	2	0 - 5

[No. R-31015/5/02-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 17 जनवरी, 2003

का. आ. 222.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी और भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2889 तारीख 14.09.2002 द्वारा उत्तरांचल राज्य में सहारनपुर से नजीबाबाद तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पेट्रोलियम उत्पादों के परिवहन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त अधिसूचना की प्रतियाँ जनता को तारीख 26.9.2002 से उपलब्ध करा दी गई थीं;

और, सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी बिल्लंगमों से मुक्त झंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

“अनुसूची”

तहसील : रुड़की	जिला : हरिद्वार	राज्य : उत्तरांचल		
		गाँव	खसरा संख्या	
			हेक्टेयर	आर
1	2	3	4	5
सिरचन्दी				
	150	0	01	68
	151	0	11	73
	152	0	21	12
	153	0	08	38
	154	0	33	86
	155	0	15	25
	157	0	08	51
	158	0	18	03
	159	0	15	75
	160	0	18	10
	161	0	52	79
	166	0	09	46
	167	0	08	48
	168	0	01	84
डाडली				
	52	0	00	32
	53	0	00	80
	54	0	04	90
	55	0	08	21
	56	0	10	06
	57	0	11	73
	58	0	13	41
	59	0	00	84
	68	0	01	01
	104	0	10	56

1	2	3	4	5
	105	0	09	72
	106	0	00	34
	107	0	00	50
	115	0	10	73
	116	0	18	94
	160	0	01	01
	189	0	35	36
	206	0	14	25
	207	0	01	01
	208	0	00	34
	227	0	10	56
	230	0	02	51
	231	0	05	20
	233	0	31	17
	307	0	01	01
	366	0	00	67
	367	0	17	10
	369	0	55	31
	373	0	00	67
सरदेड़ी शाहजहाँपुर	1	0	01	01
	176	0	04	00
	177	0	00	67
	183	0	00	01
	184	0	02	66
	185	0	02	05
	186	0	01	26
	187	0	01	42
	188	0	00	17
	189	0	05	03
	190	0	06	70

1	2	3	4	5
	191	0	06	70
	192	0	06	03
	193	0	00	17
	199/7	0	11	73
	204	0	02	68
	228/1	0	00	48
	229	0	24	66
	230	0	01	20
	234/2	0	00	08
	235/1/1	0	02	51
	235/2	0	16	76
	235/4	0	05	70
	235/8	0	01	60
	235/9	0	06	03
	235/10	0	07	21
	235/11	0	00	96
	235/15	0	07	04
	235/17	0	09	18
	235/18	0	04	60
	236/2	0	07	04
	265/2	0	02	40
	273	0	01	34
	282	0	22	46
	283	0	05	40
	285/2	0	11	40
	287/3	0	07	37
	288	0	07	37
	290	0	13	74
	291	0	03	33
	292/1	0	20	11
	295	0	05	03

1	2	3	4	5
	296	0	03	18
	297	0	04	02
	298/1	0	05	36
	298/2	0	01	23
	299	0	02	01
	300	0	02	46
पाड़ली गन्दा	2	0	10	41
	3	0	04	86
	126	0	03	92
बन्दा खेड़ी	66	0	00	34
	67	0	00	96
	90	0	00	67
	111	0	00	67
	112	0	01	92
	113	0	00	17
	117	0	27	32
	118	0	02	01
इकबालपुर कमेलपुर	25	0	01	26
	26	0	20	86
	27	0	18	75
	28	0	27	70
	32	0	22	50
	118	0	00	36
	120	0	20	86
	124	0	04	56
	125	0	05	30

1	2	3	4	5
बलेलपुर मजरा पनियाला	83	0	00	50
	84	0	49	61
	85	0	18	77
	86	0	00	50
पनियाला चन्दापुर	70/1	0	25	81
	72	0	00	56
	73	0	04	13
	74	0	06	03
	75/3	0	22	56
	76	0	01	08
	77	0	10	38
	91/1	0	00	74
	91/9	0	01	01
	112	0	31	51
	129	0	14	92
	188/1	0	00	25
	188/3	0	01	34
	190/2	0	00	20
	194/3	0	25	31
	196	0	04	36
	197/2	0	05	70
	199	0	01	53
	200	0	10	46
	201	0	20	11
	202/1	0	00	20
	203	0	00	18
	206	0	18	10
	207/1	0	01	92
	214/2	0	12	74
	215	0	15	42

1	2	3	4	5
	216/3	0	05	53
	218	0	00	96
	220/5	0	04	19
	221/2	0	00	48
	221/3	0	00	84
	222/1	0	03	69
	222/2	0	15	75
	439/1	0	30	34
	441	0	00	50
	446/1	0	16	76
	446/4	0	20	78
	448	0	27	71
	449	0	03	52
	450/4	0	24	08
	451	0	02	73
	452/3	0	00	16
	478	0	09	89
	480/2	0	01	68
	480/3	0	07	29
	481/2	0	15	08
	482	0	01	59
	483	0	16	09
	484	0	15	42
	486	0	02	80
	510/1	0	12	07
	515	0	00	50
पाडली गुजर				
	219	0	11	40
	223	0	03	35
	224	0	00	17
	228	0	00	34

1	2	3	4	5
	229	0	14	75
	230	0	00	34
	240	0	10	73
	243	0	28	32
	245	0	00	64
	246	0	01	53
	249	0	20	11
	280	0	00	34
	281	0	00	17
	299	0	00	67
	325	0	01	34
	326	0	07	71
	327	0	00	08
	332	0	00	02
	333	0	00	17
	334	0	00	34
	335	0	04	02
	339	0	25	48
	913	0	00	67
	921	0	08	04
	922	0	00	67
	923	0	00	34
	928	0	05	87
	932	0	29	16
	940	0	07	71
	941	0	06	03
	943	0	00	34
	949	0	10	06
	950	0	08	04
	952	0	12	07
	953	0	00	34

1	2	3	4	5
	955	0	09	39
	957	0	29	67
	961	0	00	17
	972	0	00	17
	973	0	07	37
मोहनपुर मोहम्मदपुर	64	0	00	06
	65	0	02	24
	66	0	04	32
	67	0	11	23
	68	0	00	67
	69	0	00	50
	70	0	00	34
	71	0	06	70
	77	0	00	67
	353	0	01	84
	354	0	00	67
	355	0	12	55
	358	0	00	34
	359	0	05	03
	365	0	03	88
	366	0	01	35
	368	0	00	34
	369	0	01	12
	376	0	01	34
तलहेड़ी	1	0	00	67
	2	0	00	34
	17	0	03	24
	18	0	05	94
	19	0	13	58

1	2	3	4	5
	20	0	04	41
	21	0	00	17
	22	0	09	48
	23	0	00	50
	24	0	00	24
	25	0	00	02
	92	0	00	17
	93	0	00	34
	104	0	00	01
	105	0	00	01
	106	0	13	41
	107	0	00	01
	108	0	10	56
	109	0	02	76
	112	0	00	16
बिझौली	77	0	21	64
	78	0	01	50
	113	0	03	26
	116	0	09	38
	117	0	00	60
	118	0	16	59
	119	0	15	08
	120	0	00	66
	144	0	00	50
	145	0	00	17
	178	0	01	16
	179	0	04	88
	180	0	02	16
	181	0	01	80
	182	0	00	60

1	2	3	4	5
	183	0	05	70
	184	0	08	30
	188	0	04	02
	189	0	00	50
	190	0	00	17
	191	0	02	68
	192	0	03	52
	194	0	02	54
	195	0	00	13
	196	0	00	30
	197	0	00	04
	203	0	16	59
	204	0	03	22
	206	0	00	50
	271	0	02	68
	272	0	02	68
	275	0	00	17
	277	0	05	03
	278	0	05	36
	279	0	05	36
	281	0	02	97
	282	0	03	24
	285	0	00	50
	286	0	00	17
	293	0	00	17
	294	0	02	35
	295	0	02	51
	296	0	02	35
	297	0	01	54
	298	0	02	18
	300	0	00	17

1	2	3	4	5
	304	0	17	43
	582	0	02	01
	623	0	30	17
	673	0	00	50
	674	0	00	17
	706	0	08	72
	707	0	15	42
	708	0	14	25
	709	0	29	67
	729	0	01	68
लंडौरा	245	0	00	92
	246	0	02	72
	247	0	18	17
	253	0	12	17
	254	0	10	20
	255	0	06	61
	258	0	06	20
	259	0	09	81
	260	0	08	17
	261	0	16	86
	263	0	03	61
	264	0	18	91
	292	0	02	51
	293	0	10	40
	294	0	16	32
	295	0	13	45
	296	0	13	45
	297	0	00	05
	300	0	01	87
	304	0	03	02

1	2	3	4	5
	305	0	12	50
	311	0	00	10
	312	0	02	00
	313	0	20	50
	314	0	01	10
	315	0	00	26
	316	0	00	77
	317	0	03	46
	324	0	02	41
	325	0	00	10
	354	0	23	75
	356	0	01	20
	357	0	01	00
	358	0	04	92
	362	0	09	81
	375	0	00	77
	376	0	30	67
	377	0	00	05
	658	0	00	51
	659	0	03	61
	660	0	01	67
	711	0	04	10
	712	0	04	02
	713	0	02	00
	714	0	02	41
	716	0	04	92
	717	0	02	31
	722	0	00	05
	723	0	06	41
	724	0	01	77
	725	0	06	41

1	2	3	4	5
	726	0	00	41
	729	0	00	05
	744	0	08	56
	745	0	05	87
	750	0	00	05
	757	0	02	97
	758	0	04	56
	760	0	06	41
	764	0	00	31
	765	0	00	20
	766	0	05	66
	767	0	00	82
	768	0	00	36
	769	0	05	30
	770	0	04	10
	771	0	00	36
	788	0	09	66
	789	0	31	42
	805	0	18	55
	806	0	01	10
	807	0	24	47
	808	0	00	05
	810	0	00	77
खेमपुर	39	0	03	30
	40	0	05	02
थथौला	1	0	02	20
	2	0	00	77
	3	0	04	92
	4	0	01	10

1	2	3	4	5
	5	0	13	61
	6	0	00	36
	7	0	00	36
	8	0	20	58
	120	0	00	82
	121	0	16	17
	122	0	18	37
	133	0	01	82
	134	0	02	20
	135	0	03	46
	136	0	03	25
	182	0	01	15
	183	0	08	17
	184	0	09	66
	185	0	11	58
	186	0	02	46
	213	0	05	02
	214	0	09	46
	215	0	00	10
	216	0	04	56
	217	0	05	07
	218	0	02	97
	219	0	00	10
	223	0	07	40
	225	0	00	10
	227	0	09	97
	231	0	06	77
	232	0	02	10
	233	0	08	56
	235	0	00	10
	255	0	03	46

1	2	3	4	5
	303	0	20	86
	304	0	12	35
	311	0	00	36
	317	0	07	97
	318	0	00	77
	324	0	07	61
	325	0	03	46
	326	0	05	36
	327	0	04	92
	328	0	03	51
	329	0	02	31
	330	0	02	26
	331	0	00	26
	334	0	03	80
	335	0	06	15
	339	0	12	30
	341	0	09	25
	342	0	00	77
	399	0	06	61
	400	0	12	17
	401	0	04	15
	402	0	04	15
	404	0	00	36
	405	0	00	77
	413	0	11	97
	414	0	09	81
	415	0	00	10
	416	0	12	40
	417	0	04	02
	418	0	00	77
	419	0	00	36

1	2	3	4	5
	421	0	00	56
	422	0	16	98
	454	0	00	41
	455	0	03	02
	456	0	00	36
	457	0	00	36
	458	0	02	61
	459	0	19	12
	467	0	00	77
	468	0	03	46
	469	0	07	53
	470	0	00	51
	471	0	00	10
	472	0	00	77
	324/473	0	02	61

गॉव	चक संख्या	खसरा संख्या	क्षेत्रफल		
			हेक्टेयर	आर	सेंटीआर
1	2	3	4	5	6
चुड़ियाला मोहनपुर	34	31	0	02	68
	34	32	0	00	34
	34	33	0	05	87
	34	35/4	0	36	87
चक मार्ग	35/4	0	00	50	
	49	388	0	17	55
	49	387/2	0	00	68
	50	208/1	0	00	32
	50	210	0	08	72
	50	218	0	04	19
	50	219	0	00	17
चक मार्ग	218	0	00	50	
	80	68/1	0	16	42
	80	69	0	00	50
चक मार्ग	68/1	0	00	50	
	113	66/1	0	00	25
	113	66/2	0	07	97

1	2	3	4	5	6
	113	68/1	0	01	34
	137	388	0	00	80
	150	64/2	0	14	59
	नाली	64/1	0	00	08
	177	179/3	0	05	61
	177	180	0	03	12
	177	172/2	0	04	40
	177	181/1	0	04	91
	177	183	0	00	13
	177	179/1	0	02	08
	177	184	0	02	60
	चक मार्ग	179/2	0	00	40
	चक मार्ग	179/3	0	03	00
	222	30/2	0	04	02
	222	31	0	16	09
	चक मार्ग	31	0	00	50
	267	157	0	00	50
	267	159	0	09	38
	267	172/2	0	05	61
	267	181/1	0	12	10
	267	181/2	0	02	50
	चक मार्ग	157	0	00	50
	282	66/1	0	00	25
	282	66/2	0	06	75
	282	68/1	0	01	34
	295	388	0	30	17
	चक मार्ग	388	0	00	50
	नाली	388	0	00	80
	चक मार्ग	385	0	00	50
	नाली	386/1	0	00	34
	बाग	384	0	20	45
	स्कूल फार्म	379/1	0	06	45
	298	156	0	00	61
	298	157	0	14	15
	चक मार्ग	156	0	00	08

1	2	3	4	5	6
	चक मार्ग	157	0	00	42
	301	209	0	01	80
	301	210	0	00	72
	304	218	0	09	72
	304	220/1	0	00	08
	रास्ता	219/2	0	00	50
	319	154/2	0	05	60
	नाली	152	0	00	17
	323	206	0	02	69
	323	209	0	18	44
	323	210	0	00	16
	411	154/2	0	69	66
	411	154/1	0	03	75
	411	155	0	00	34
	411	156	0	00	12
	नाली	154/2	0	00	80
	443	385	0	17	43
	443	387/2	0	09	32
	443	388	0	01	55
बालेकी युसुफपुर					
	6	126	0	12	07
	19	125	0	10	31
	19	127	0	05	60
	नाली	119	0	00	17
	चक मार्ग	117/2	0	00	67
	नाली	117/2	0	00	40
	चक मार्ग	117/2	0	01	14
	69	28	0	03	57
	74	117/2	0	11	6
	चक मार्ग	26/1	0	01	17
	नाली	3	0	00	50
	चक मार्ग	3	0	01	86
	90	28	0	03	88
	90	31/2	0	04	25

1	2	3	4	5	6
	90	33/1	0	00	36
	90	33/2	0	03	96
	96	127	0	06	80
	99	28	0	20	67
	100	28	0	03	92
	100	33/1	0	00	10
	114	30/3	0	02	01
	114	33/3	0	16	28
गोहर	107	0	01	01	
	136	127	0	06	80
	158	126	0	02	57
	158	127	0	0	61
	164	117/2	0	10	73
	170	127	0	06	80
	178	126	0	10	73
	200	117/2	0	01	58
अमरपुर काजी	21	128/2	0	12	07
	27	33/1	0	13	07
	28	120/1	0	06	37
	39	33/1	0	14	25
	39	35/1	0	02	26
	39	114/3	0	03	85
नाली	114/3	0	00	17	
चक मार्ग	33/1	0	00	50	
	43	118/3	0	08	72
नाली	118/3	0	00	17	
106	128/2	0	01	50	
चक मार्ग	128/2	0	00	50	

1	2	3	4	5	6
	116	117	0	01	58
	116	118/3	0	06	35
	116	121	0	00	22
	122	114/3	0	20	11
	122	118/3	0	00	67
	134	120/1	0	02	49
	134	121	0	10	16
	138	128/2	0	08	04
	142	114/3	0	10	73
	143	32	0	13	07
	143	33/1	0	04	53
	नाली	114/3	0	0	17
	160	114/3	0	10	06
	चक मार्ग	114/3	0	00	50
खाता खेड़ी	15	44	0	10	81
	129	44	0	02	35
	129	54	0	09	38
	चक मार्ग	44	0	00	98
	नाली	44	0	00	49
	चक मार्ग	44	0	00	40
	171	239	0	39	55
	188	244/2	0	00	64
	204	50	0	00	04
	204	51	0	08	51
	चक मार्ग	51	0	01	08
	गोहर	229	0	01	34
	251	244/2	0	02	77
	252	241/2	0	02	64

1	2	3	4	5	6
	252	244	0	03	52
	253	241/2	0	05	89
चक मार्ग	240	0	00		50
नाली	239/1	0	00		34
	282	35	0	00	67
	282	37	0	24	13
	282	43	0	00	20
	282	44	0	02	55
बचत	38	0	12		65
	296	48	0	01	12
	296	54	0	05	53
	306	239/2	0	00	80
	312	54	0	00	48
	362	244/2	0	20	95
चक मार्ग	244/2	0	01		38
नाली	244/2	0	00		34
	366	48	0	00	36
	366	49	0	02	68
	366	51	0	20	53
	366	54	0	00	32
	375	239/2	0	01	09
चक मार्ग	239/2	0	01		35
सफरपुर	34	2	0	02	93
	62	364	0	00	50
	62	366/1	0	11	81
	62	366/2	0	02	97
	62	370	0	00	67
	चक मार्ग	371	0	00	50

1	2	3	4	5	6
	नाली	371	0	00	17
	91	24	0	14	92
	98	394	0	00	27
	98	414	0	04	56
	99	414	0	04	89
	99	415	0	00	34
	99	420/1	0	01	73
	99	420/2	0	00	67
	99	420/3	0	01	17
	बचत	420/3	0	04	86
	चक मार्ग	376	0	01	44
	नाली	394	0	00	01
	107	371	0	15	76
	113	437	0	04	19
	113	438	0	03	69
	113	440	0	29	67
	चक मार्ग	441	0	00	50
	गूल	442	0	00	34
	118	364	0	09	72
	139	2	0	11	52
	144	363	0	04	59
	162	443	0	01	34
	162	444	0	11	06
	चक मार्ग	444	0	00	50
	167	24	0	00	67
	167	26	0	02	70
	175	444	0	00	67
	175	446	0	08	04
	175	445	0	00	50
	नाली	2	0	00	05

1	2	3	4	5	6
	चक मार्ग	2	0	00	10
	178	443	0	13	41
	186	420/3	0	08	21
	186	422/3	0	10	04
	रास्ता	429	0	00	20
	चक मार्ग	420/3	0	00	50
	196	3	0	04	61
	196	15/1	0	01	17
	196	15/2	0	00	67
	196	15/3	0	05	36
	नाली	3	0	00	17
	चक मार्ग	3	0	00	50
	197	15/3	0	05	03
	198	15/3	0	06	54
	नाली	15/3	0	00	17
	चक मार्ग	15/3	0	00	50
	208	394	0	00	10
	239	24	0	00	10
	239	27	0	05	36
	गाहा	35	0	04	02
	247	2	0	04	78
	248	2	0	02	51
	रास्ता	14	0	00	67
	268	24	0	01	54
	268	26	0	03	98
	277	373	0	04	69
	नाली	355	0	00	17
	रास्ता	430	0	00	84
	चक मार्ग	376	0	02	00

1	2	3	4	5	6
	310	15/3	0	01	68
	310	16	0	01	01
	310	24	0	01	17
आसिफनगर	33	239/15	0	02	87
	36	228/2	0	33	85
	36	228/3	0	01	01
नाली	228/2	0	00	17	
चक मार्ग	228/2	0	00	50	
70	240/3	0	02	52	
चक मार्ग	240/3	0	00	50	
84	239/10	0	08	55	
97	239/9	0	07	21	
97	239/10	0	00	75	
105	275/2	0	00	16	
105	281	0	08	68	
नाली	275/2	0	00	08	
चक मार्ग	275/2	0	00	27	
106	211	0	25	99	
गोहर	220	0	01	68	
बाग	226/2	0	08	55	
107	224	0	01	01	
107	225	0	08	72	
120	239/4	0	05	94	
120	239/9	0	00	75	
चक मार्ग	281	0	01	20	
169	222	0	06	87	

1	2	3	4	5	6
	173	240/3	0	00	04
	176	240/3	0	03	02
	176	241	0	02	35
	195	277	0	01	68
	216	275/2	0	05	53
	227	222	0	03	91
	269	221	0	03	57
	269	222	0	01	17
	281	205/1	0	00	04
नाली	210	0	00	00	04
283	239/15	0	01		18
283	239/16	0	00		24
283	240/3	0	01		07
297	239/3	0	02		16
329	224	0	03		23
329	223	0	02		18
330	224	0	01		00
चक मार्ग	223	0	00		50
334	282	0	03		27
372	275/2	0	01		68
372	277	0	04		00
372	278	0	03		35
चक मार्ग	277	0	01		20
भगवानपुर चन्दनपुर		85	9/2	0	01
		105	92	0	01
		105	98	0	04

1	2	3	4	5	6
	114	100/1	0	05	88
	रास्ता	100/2	0	00	67
	167	2/1	0	00	48
	168	2/1	0	02	00
	181	25/1	0	1	68
	रास्ता	27	0	00	67
	204	2/1	0	10	56
	204	9/2	0	01	00
	चक रोड	9/2	0	00	34
	नाली	9/2	0	00	17
	नाली	9/2	0	00	14
	नाली	9/1	0	00	40
	232	9/1	0	04	95
	232	9/2	0	04	55
	चक मार्ग	25/1	0	00	08
	नाली	25/1	0	00	04
	रास्ता	28	0	00	67
	319	98	0	02	51
	319	99	0	06	54
	319	100/1	0	11	55
	420	25/1	0	18	44
	420	25/2	0	00	96
	नाली	98	0	00	17
	रास्ता	100/2	0	01	28

[फ. सं. आर-25011/27/2002-ओ.आर-1]
रेनुका कुमार, अधिकारी सचिव

New Delhi, the 17th January, 2003

Notification

S. O. 222.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 2889 dated the 14th September, 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of petroleum products from Saharanpur to Najibabad in the State of Uttaranchal by the Indian Oil Corporation Limited;

And whereas, copies of the said gazette notification were made available to the public from the 29.9.2002;

And, whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act, has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And, further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of users in the said land shall instead of vesting in the Central Government vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

"SCHEDULE"

Tehsil : Roorkee		District : Haridwar		State : Uttaranchal	
Village	Khasra No.	Area			Centiares
		Hectares	Ares	Centiares	
1	2	3	4	5	
Sirchandi	150	0	01	68	
	151	0	11	73	
	152	0	21	12	
	153	0	08	38	
	154	0	33	86	
	155	0	15	25	
	157	0	08	51	
	158	0	18	03	
	159	0	15	75	
	160	0	18	10	
	161	0	52	79	
	166	0	09	46	
	167	0	08	48	
	168	0	01	84	
Dadli	52	0	00	32	
	53	0	00	80	
	54	0	04	90	
	55	0	08	21	
	56	0	10	06	
	57	0	11	73	
	58	0	13	41	
	59	0	00	84	
	68	0	01	01	
	104	0	10	56	

1	2	3	4	5
	105	0	09	72
	106	0	00	34
	107	0	00	50
	115	0	10	73
	116	0	18	94
	160	0	01	01
	189	0	35	36
	206	0	14	25
	207	0	01	01
	208	0	00	34
	227	0	10	56
	230	0	02	51
	231	0	05	20
	233	0	31	17
	307	0	01	01
	366	0	00	67
	367	0	17	10
	369	0	55	31
	373	0	00	67
Sarthedi Shahjahanpur				
	1	0	01	01
	176	0	04	00
	177	0	00	67
	183	0	00	01
	184	0	02	66
	185	0	02	05
	186	0	01	26
	187	0	01	42
	188	0	00	17
	189	0	05	03
	190	0	06	70

1	2	3	4	5
	191	0	06	70
	192	0	06	03
	193	0	00	17
	199/7	0	11	73
	204	0	02	68
	228/1	0	00	48
	229	0	24	66
	230	0	01	20
	234/2	0	00	08
	235/1/1	0	02	51
	235/2	0	16	76
	235/4	0	05	70
	235/8	0	01	60
	235/9	0	06	03
	235/10	0	07	21
	235/11	0	00	96
	235/15	0	07	04
	235/17	0	09	18
	235/18	0	04	60
	236/2	0	07	04
	265/2	0	02	40
	273	0	01	34
	282	0	22	46
	283	0	05	40
	285/2	0	11	40
	287/3	0	07	37
	288	0	07	37
	290	0	13	74
	291	0	03	33
	292/1	0	20	11
	295	0	05	03

1	2	3	4	5
	296	0	03	18
	297	0	04	02
	298/1	0	05	36
	298/2	0	01	23
	299	0	02	01
	300	0	02	46
Padli Ganda	2	0	10	41
	3	0	04	86
	126	0	03	92
Banda Khedi	66	0	00	34
	67	0	00	96
	90	0	00	67
	111	0	00	67
	112	0	01	92
	113	0	00	17
	117	0	27	32
	118	0	02	01
Ikbalpur Kamelpur	25	0	01	26
	26	0	20	86
	27	0	18	75
	28	0	27	70
	32	0	22	50
	118	0	00	36
	120	0	20	86
	124	0	04	56
	125	0	05	30

1	2	3	4	5
Balelpur Majra Paniyala	83	0	00	50
	84	0	49	61
	85	0	18	77
	86	0	00	50
Paniyala Chandapur	70/1	0	25	81
	72	0	00	56
	73	0	04	13
	74	0	06	03
	75/3	0	22	56
	76	0	01	08
	77	0	10	38
	91/1	0	00	74
	91/9	0	01	01
	112	0	31	51
	129	0	14	92
	188/1	0	00	25
	188/3	0	01	34
	190/2	0	00	20
	194/3	0	25	31
	196	0	04	36
	197/2	0	05	70
	199	0	01	53
	200	0	10	46
	201	0	20	11
	202/1	0	00	20
	203	0	00	18
	206	0	18	10
	207/1	0	01	92
	214/2	0	12	74

1	2	3	4	5
	215	0	15	42
	216/3	0	05	53
	218	0	00	96
	220/5	0	04	19
	221/2	0	00	48
	221/3	0	00	84
	222/1	0	03	69
	222/2	0	15	75
	439/1	0	30	34
	441	0	00	50
	446/1	0	16	76
	446/4	0	20	78
	448	0	27	71
	449	0	03	52
	450/4	0	24	08
	451	0	02	73
	452/3	0	00	16
	478	0	09	89
	480/2	0	01	68
	480/3	0	07	29
	481/2	0	15	08
	482	0	01	59
	483	0	16	09
	484	0	15	42
	486	0	02	80
	510/1	0	12	07
	515	0	00	50
Padli Gujar	219	0	11	40
	223	0	03	35
	224	0	00	17

1	2	3	4	5
	228	0	00	34
	229	0	14	75
	230	0	00	34
	240	0	10	73
	243	0	28	32
	245	0	00	64
	246	0	01	53
	249	0	20	11
	280	0	00	34
	281	0	00	17
	299	0	00	67
	325	0	01	34
	326	0	07	71
	327	0	00	08
	332	0	00	02
	333	0	00	17
	334	0	00	34
	335	0	04	02
	339	0	25	48
	913	0	00	67
	921	0	08	04
	922	0	00	67
	923	0	00	34
	928	0	05	67
	932	0	29	16
	940	0	07	71
	941	0	06	03
	943	0	00	34
	949	0	10	06
	950	0	08	04
	952	0	12	07

1	2	3	4	5
	953	0	00	34
	955	0	09	39
	957	0	29	67
	961	0	00	17
	972	0	00	17
	973	0	07	37
Mohanpur Mohammadpur	64	0	00	06
	65	0	02	24
	66	0	04	32
	67	0	11	23
	68	0	00	67
	69	0	00	50
	70	0	00	34
	71	0	06	70
	77	0	00	67
	353	0	01	84
	354	0	00	67
	355	0	12	55
	358	0	00	34
	359	0	05	03
	365	0	03	88
	366	0	01	35
	368	0	00	34
	369	0	01	12
	376	0	01	34
Talhedi	1	0	00	67
	2	0	00	34
	17	0	03	24
	18	0	05	94

1	2	3	4	5
	19	0	13	58
	20	0	04	41
	21	0	00	17
	22	0	09	48
	23	0	00	50
	24	0	00	24
	25	0	00	02
	92	0	00	17
	93	0	00	34
	104	0	00	01
	105	0	00	01
	106	0	13	41
	107	0	00	01
	108	0	10	56
	109	0	02	76
	112	0	00	16
Bijhaulī	77	0	21	64
	78	0	01	50
	113	0	03	26
	116	0	09	38
	117	0	00	60
	118	0	16	59
	119	0	15	08
	120	0	00	66
	144	0	00	50
	145	0	00	17
	178	0	01	16
	179	0	04	88
	180	0	02	16
	181	0	01	80

1	2	3	4	5
	182	0	00	60
	183	0	05	70
	184	0	08	30
	188	0	04	02
	189	0	00	50
	190	0	00	17
	191	0	02	68
	192	0	03	52
	194	0	02	54
	195	0	00	13
	196	0	00	30
	197	0	00	04
	203	0	16	59
	204	0	03	22
	206	0	00	50
	271	0	02	68
	272	0	02	68
	275	0	00	17
	277	0	05	03
	278	0	05	36
	279	0	05	36
	281	0	02	97
	282	0	03	24
	285	0	00	50
	286	0	00	17
	293	0	00	17
	294	0	02	35
	295	0	02	51
	296	0	02	35
	297	0	01	54
	298	0	02	18

1	2	3	4	5
	300	0	00	17
	304	0	17	43
	582	0	02	01
	623	0	30	17
	673	0	00	50
	674	0	00	17
	706	0	08	72
	707	0	15	42
	708	0	14	25
	709	0	29	67
	729	0	01	68
Landhaura	245	0	00	92
	246	0	02	72
	247	0	18	17
	253	0	12	17
	254	0	10	20
	255	0	06	61
	258	0	06	20
	259	0	09	81
	260	0	08	17
	261	0	16	86
	263	0	03	61
	264	0	18	91
	292	0	02	51
	293	0	10	40
	294	0	16	32
	295	0	13	45
	296	0	13	45
	297	0	00	05
	300	0	01	87

1	2	3	4	5
	304	0	03	02
	305	0	12	50
	311	0	00	10
	312	0	02	00
	313	0	20	50
	314	0	01	10
	315	0	00	26
	316	0	00	77
	317	0	03	46
	324	0	02	41
	325	0	00	10
	354	0	23	75
	356	0	01	20
	357	0	01	00
	358	0	04	92
	362	0	09	81
	375	0	00	77
	376	0	30	67
	377	0	00	05
	658	0	00	51
	659	0	03	61
	660	0	01	67
	711	0	04	10
	712	0	04	02
	713	0	02	00
	714	0	02	41
	716	0	04	92
	717	0	02	31
	722	0	00	05
	723	0	06	41
	724	0	01	77

1	2	3	4	5
	725	0	06	41
	726	0	00	41
	729	0	00	05
	744	0	08	56
	745	0	05	87
	750	0	00	05
	757	0	02	97
	758	0	04	56
	760	0	06	41
	764	0	00	31
	765	0	00	20
	766	0	05	66
	767	0	00	82
	768	0	00	36
	769	0	05	30
	770	0	04	10
	771	0	00	36
	788	0	09	66
	789	0	31	42
	805	0	18	55
	806	0	01	10
	807	0	24	47
	808	0	00	05
	810	0	00	77
Khempur	39	0	03	30
	40	0	05	02
Thathaula	1	0	02	20
	2	0	00	77
	3	0	04	92

1	2	3	4	5
	4	0	01	10
	5	0	13	61
	6	0	00	36
	7	0	00	36
	8	0	20	58
	120	0	00	82
	121	0	16	17
	122	0	18	37
	133	0	01	82
	134	0	02	20
	135	0	03	46
	136	0	03	25
	182	0	01	15
	183	0	08	17
	184	0	09	66
	185	0	11	58
	186	0	02	46
	213	0	05	02
	214	0	09	46
	215	0	00	10
	216	0	04	56
	217	0	05	07
	218	0	02	97
	219	0	00	10
	223	0	07	40
	225	0	00	10
	227	0	09	97
	231	0	06	77
	232	0	02	10
	233	0	08	56
	235	0	00	10

1	2	3	4	5
	255	0	03	46
	303	0	20	86
	304	0	12	35
	311	0	00	36
	317	0	07	97
	318	0	00	77
	324	0	07	61
	325	0	03	46
	326	0	05	36
	327	0	04	92
	328	0	03	51
	329	0	02	31
	330	0	02	26
	331	0	00	26
	334	0	03	80
	335	0	06	15
	339	0	12	30
	341	0	09	25
	342	0	00	77
	399	0	06	61
	400	0	12	17
	401	0	04	15
	402	0	04	15
	404	0	00	36
	405	0	00	77
	413	0	11	97
	414	0	09	81
	415	0	00	10
	416	0	12	40
	417	0	04	02
	418	0	00	77

1	2	3	4	5
	419	0	00	36
	421	0	00	56
	422	0	16	98
	454	0	00	41
	455	0	03	02
	456	0	00	36
	457	0	00	36
	458	0	02	61
	459	0	19	12
	467	0	00	77
	468	0	03	46
	469	0	07	53
	470	0	00	51
	471	0	00	10
	472	0	00	77
	324/473	0	02	61

Village	Chak No.	Khasra No.	Area		
			Hectares	Ares	Centiares
1	2	3	4	5	6
Chudiala Mohanpur	34	31	0	02	68
	34	32	0	00	34
	34	33	0	05	87
	34	35/4	0	36	87
Chak Marg	35/4	0	00	50	
	49	388	0	17	55
	49	387/2	0	00	68
	50	208/1	0	00	32
	50	210	0	08	72
	50	218	0	04	19
	50	219	0	00	17
Chak Marg	218	0	00	50	
	80	68/1	0	16	42
	80	69	0	00	50
Chak Marg	68/1	0	00	50	
	113	66/1	0	00	25
	113	66/2	0	07	97
	113	68/1	0	01	34
	137	388	0	00	80
	150	64/2	0	14	59
Nali	64/1	0	00	08	
	177	179/3	0	05	61
	177	180	0	03	12
	177	172/2	0	04	40
	177	181/1	0	04	91
	177	183	0	00	13
	177	179/1	0	02	08

1	2	3	4	5	6
	177	184	0	02	60
	Chak Marg	179/2	0	00	40
	Chak Marg	179/3	0	03	00
	222	30/2	0	04	02
	222	31	0	16	09
	Chak Marg	31	0	00	50
	267	157	0	00	50
	267	159	0	09	38
	267	172/2	0	05	61
	267	181/1	0	12	10
	267	181/2	0	02	50
	Chak Marg	157	0	00	50
	282	66/1	0	00	25
	282	66/2	0	06	75
	282	68/1	0	01	34
	295	388	0	30	17
	Chak Marg	388	0	00	50
	Nali	388	0	00	80
	Chak Marg	385	0	00	50
	Nali	386/1	0	00	34
	Bag	384	0	20	45
	School Farm	379/1	0	06	45
	298	156	0	00	61
	298	157	0	14	15
	Chak Marg	156	0	00	08
	Chak Marg	157	0	00	42
	301	209	0	01	80
	301	210	0	00	72
	304	218	0	09	72
	304	220/1	0	00	08
	Rasta	219/2	0	00	50

1	2	3	4	5	6
	319	154/2	0	05	60
	Nali	152	0	00	17
	323	206	0	02	69
	323	209	0	18	44
	323	210	0	00	16
	411	154/2	0	69	66
	411	154/1	0	03	75
	411	155	0	00	34
	411	156	0	00	12
	Nali	154/2	0	00	80
	443	385	0	17	43
	443	387/2	0	09	32
	443	388	0	01	55
Baleki Yusufpur					
	6	126	0	12	07
	19	125	0	10	31
	19	127	0	05	60
	Nali	119	0	00	17
	Chak Marg	117/2	0	00	67
	Nali	117/2	0	00	40
	Chak Marg	117/2	0	01	14
	69	28	0	03	57
	74	117/2	0	11	6
	Chak Marg	26/1	0	01	17
	Nali	3	0	00	50
	Chak Marg	3	0	01	86
	90	28	0	03	88
	90	31/2	0	04	25
	90	33/1	0	00	36
	90	33/2	0	03	96
	96	127	0	06	80
	99	28	0	20	67

1	2	3	4	5	6
	100	28	0	03	92
	100	33/1	0	00	10
	114	30/3	0	02	01
	114	33/3	0	16	28
	Gohar	107	0	01	01
	136	127	0	06	80
	158	126	0	02	57
	158	127	0	0	61
	164	117/2	0	10	73
	170	127	0	06	80
	178	126	0	10	73
	200	117/2	0	01	58
Amarpur Kazi	21	128/2	0	12	07
	27	33/1	0	13	07
	28	120/1	0	06	37
	39	33/1	0	14	25
	39	35/1	0	02	26
	39	114/3	0	03	85
	Nali	114/3	0	00	17
Chak Marg	33/1	0	00		50
	43	118/3	0	08	72
	Nali	118/3	0	00	17
	106	128/2	0	01	50
Chak Marg	128/2	0	00		50
	Chak Marg	128/2	0	00	50
	116	117	0	01	58
	116	118/3	0	06	35
	116	121	0	00	22
	122	114/3	0	20	11
	122	118/3	0	00	67
	134	120/1	0	02	49

1	2	3	4	5	6
	134	121	0	10	16
	138	128/2	0	08	04
	142	114/3	0	10	73
	143	32	0	13	07
	143	33/1	0	04	53
	Nali	114/3	0	0	17
	160	114/3	0	10	06
	Chak Marg	114/3	0	00	50
Khata Khedi					
	15	44	0	10	81
	129	44	0	02	35
	129	54	0	09	38
	Chak Marg	44	0	00	98
	Nali	44	0	00	49
	Chak Marg	44	0	00	40
	171	239	0	39	55
	188	244/2	0	00	64
	204	50	0	00	04
	204	51	0	08	51
	Chak Marg	51	0	01	08
	Gohar	229	0	01	34
	251	244/2	0	02	77
	252	241/2	0	02	64
	252	244	0	03	52
	253	241/2	0	05	89
	Chak Marg	240	0	00	50
	Nali	239/1	0	00	34
	282	35	0	00	67
	282	37	0	24	13
	282	43	0	00	20
	282	44	0	02	55
	Bachat	38	0	12	65

1	2	3	4	5	6
	296	48	0	01	12
	296	54	0	05	53
	306	239/2	0	00	80
	312	54	0	00	48
	362	244/2	0	20	95
	Chak Marg	244/2	0	01	38
	Nali	244/2	0	00	34
	366	48	0	00	36
	366	49	0	02	68
	366	51	0	20	53
	366	54	0	00	32
	375	239/2	0	01	09
	Chak Marg	239/2	0	01	35
Safarpur	34	2	0	02	93
	62	364	0	00	50
	62	366/1	0	11	81
	62	366/2	0	02	97
	62	370	0	00	67
	Chak Marg	371	0	00	50
	Nali	371	0	00	17
	91	24	0	14	92
	98	394	0	00	27
	98	414	0	04	56
	99	414	0	04	89
	99	415	0	00	34
	99	420/1	0	01	73
	99	420/2	0	00	67
	99	420/3	0	01	17
	Bachat	420/3	0	04	86
	Chak Marg	376	0	01	44
	Nali	394	0	00	01

1	2	3	4	5	6
	107	371	0	15	76
	113	437	0	04	19
	113	438	0	03	69
	113	440	0	29	67
	Chak Marg	441	0	00	50
	Gul	442	0	00	34
	118	364	0	09	72
	139	2	0	11	52
	144	363	0	04	59
	162	443	0	01	34
	162	444	0	11	06
	Chak Marg	444	0	00	50
	167	24	0	00	67
	167	26	0	02	70
	175	444	0	00	67
	175	446	0	08	04
	175	445	0	00	50
	Nali	2	0	00	05
	Chak Marg	2	0	00	10
	178	443	0	13	41
	186	420/3	0	08	21
	186	422/3	0	10	04
	Rasta	429	0	00	20
	Chak Marg	420/3	0	00	50
	196	3	0	04	61
	196	15/1	0	01	17
	196	15/2	0	00	67
	196	15/3	0	05	36
	Nali	3	0	00	17
	Chak Marg	3	0	00	50
	197	15/3	0	05	03
	198	15/3	0	06	54

1	2	3	4	5	6
	Nali	15/3	0	00	17
	Chak Marg	15/3	0	00	50
	208	394	0	00	10
	239	24	0	00	10
	239	27	0	05	36
	Gaha	35	0	04	02
	247	2	0	04	78
	248	2	0	02	51
	Rasta	14	0	00	67
	268	24	0	01	54
	268	26	0	03	98
	277	373	0	04	69
	Nali	355	0	00	17
	Rasta	430	0	00	84
	Chak Marg	376	0	02	00
	310	15/3	0	01	68
	310	16	0	01	01
	310	24	0	01	17
Asifnagar	33	239/15	0	02	87
	36	228/2	0	33	85
	36	228/3	0	01	01
	Nali	228/2	0	00	17
	Chak Marg	228/2	0	00	50
	70	240/3	0	02	52
	Chak Marg	240/3	0	00	50
	84	239/10	0	08	55
	97	239/9	0	07	21
	97	239/10	0	00	75
	105	275/2	0	00	16
	105	281	0	08	68
	Nali	275/2	0	00	08
	Chak Marg	275/2	0	00	27
	106	211	0	25	99
	Gohar	220	0	01	68
	Bag	226/2	0	08	55
	107	224	0	01	01

1	2	3	4	5	6
	107	225	0	08	72
	120	239/4	0	05	94
	120	239/9	0	00	75
	Chak Marg	281	0	01	20
	169	222	0	06	87
	173	240/3	0	00	04
	176	240/3	0	03	02
	176	241	0	02	35
	195	277	0	01	68
	216	275/2	0	05	53
	227	222	0	03	91
	269	221	0	03	57
	269	222	0	01	17
	281	205/1	0	00	04
	Nali	210	0	00	04
	283	239/15	0	01	18
	283	239/16	0	00	24
	283	240/3	0	01	07
	297	239/3	0	02	16
	329	224	0	03	23
	329	223	0	02	18
	330	224	0	01	00
	Chak Marg	223	0	00	50
	334	282	0	03	27
	372	275/2	0	01	68
	372	277	0	04	00
	372	278	0	03	35
	Chak Marg	277	0	01	20
Bhagwanpur	85	9/2	0	01	34
Chandanpur	105	92	0	01	26
	105	98	0	04	31
	114	100/1	0	05	88
	Rasta	100/2	0	00	67

1	2	3	4	5	6
	167	2/1	0	00	48
	168	2/1	0	02	00
	181	25/1	0	1	68
	Rasta	27	0	00	67
	204	2/1	0	10	56
	204	9/2	0	01	00
	Chak Road	9/2	0	00	34
	Nali	9/2	0	00	17
	Nali	9/2	0	00	14
	Nali	9/1	0	00	40
	232	9/1	0	04	95
	232	9/2	0	04	55
	Chak Marg	25/1	0	00	08
	Nali	25/1	0	00	04
	Rasta	28	0	00	67
	319	98	0	02	51
	319	99	0	06	54
	319	100/1	0	11	55
	420	25/1	0	18	44
	420	25/2	0	00	96
	Nali	98	0	00	17
	Rasta	100/2	0	01	28

[No. R-25011/27/2002-O.R.-J]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 17 जनवरी, 2003

अधिसूचना

का. आ. 223.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी और भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2890 तारीख 14.09.2002 द्वारा उत्तरांचल राज्य में सहारनपुर से नजीबाबाद तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पेट्रोलियम उत्पादों के परिवहन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त अधिसूचना की प्रतियाँ जनता को 26.09.2002 से उपलब्ध करा दी गई थीं;

और पाइपलाइन विछाने के संबंध में जनता से प्राप्त सुझावों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है।

और, सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन विछाने के लिए अपेक्षित है, भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाय सभी बिल्लिंग्सों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

“अनुसूची”

तहसील : लक्सर

जिला : हरिद्वार

राज्य : उत्तरांचल

गाँव	खसरा संख्या	चक संख्या	क्षेत्रफल		
			हेक्टेयर	आर	सेंटीआर
1	2	3	4	5	6
रसूलपुर	बक्काल	1/1/1	-	0	11
एहतमाल					61
	2/13	नाली	0	00	36
	2/13	चक रोड	0	00	05
	2/13	नाली	0	00	05
	2/4	11	0	00	56
	2/5/1	11	0	07	81
	2/7	11	0	05	77
	3	11	0	22	70
	2/13	14	0	02	61
	3	20	0	07	97
	6	20	0	11	40
	7	20	0	00	05
	6	22	0	08	12
	9	22	0	05	56
	2/1	34	0	04	56
	2/2	34	0	06	61
	2/4	34	0	02	61
	2/13	34	0	05	66
	2/4	चक रोड	0	00	36
	2/4	नाली	0	00	20
	5	चक रोड	0	00	36
	5	नाला	0	01	51

गाँव	खसरा संख्या	क्षेत्रफल		
		हेक्टेयर	आर	सेंटीआर
1	2	3	4	5
माजरी अकबरपुर	85	0	01	10
	120	0	01	10
	134	0	05	25
	135	0	49	87
	136	0	10	71
	170	0	19	27
	171	0	00	31
	174	0	21	81
	232	0	40	97
	233	0	01	36
	234	0	09	81
	235	0	04	92
	253	0	07	61
	254	0	06	20

1	2	3	4	5
रसूलपुर बक्काल मुस्तहकम	28	0	00	05
	31	0	16	50
	32	0	29	21
	34	0	00	36
	35	0	07	25
	36	0	07	40
	37	0	00	36
	38	0	04	15
	39	0	04	92
	41	0	01	10
कुवारखेडा	79	0	01	51
	80	0	19	27
	81	0	10	97
	83	0	12	17
	84	0	20	11
	96	0	12	91
	97	0	23	47
	98	0	21	60
	149	0	01	51
	155	0	01	20
	156	0	21	42
	157	0	01	46
	167	0	20	65
	168	0	00	36
	174	0	00	77
	175	0	11	48
	176	0	03	10
	177	0	16	32
	184	0	00	77

1	2	3	4	5
	185	0	18	17
	194	0	01	92
	195	0	19	83
	196	0	00	87
	200	0	01	51
भुरनी खातिरपुर	19	0	17	81
	21	0	06	77
	22	0	04	56
	23	0	15	12
	54	0	00	77
	55	0	01	10
	57	0	23	06
	58	0	10	20
	59	0	25	60
	120	0	05	30
	126	0	03	10
	128	0	24	78
	130	0	22	17
	131	0	02	26
	132	0	00	72
	134	0	02	61
	136	0	51	51
	187	0	00	92
भुरना	7	0	02	36
	12	0	14	35
	13	0	18	71
	15	0	08	71
	30	0	01	20
	32	0	01	46

1	2	3	4	5
	33	0	18	04
	36	0	01	97
	37	0	24	65
	40	0	14	22
	176	0	00	05
	177	0	06	71
	178	0	04	25
	179	0	00	20
	180	0	04	36
	181	0	06	77
	182	0	04	77
	183	0	02	00
	184	0	04	56
	185	0	00	77
	188	0	03	61
	189	0	00	36
	190	0	00	26
	191	0	06	87
	244	0	02	15
	245	0	03	92
	246	0	17	96
	249	0	27	06
	253	0	01	51
	264	0	05	12
	267	0	01	51
	268	0	28	04
शेखपुरी खादर	10	0	02	41
	12/1	0	00	77
	12/3	0	12	50
	14	0	08	71

1	2	3	4	5
	17	0	10	76
	40	0	03	54
	41	0	28	11
	42	0	08	56
दाबकी खुर्द	1	0	06	20
खेड़ी मुवारकपुर	1	0	01	46
	2	0	04	30
	4	0	02	82
	5	0	02	20
	6	0	00	77
	34	0	02	41
	35	0	35	41
	36	0	21	96
	60	0	00	31
	61	0	01	92
	62	0	32	26
	63	0	26	57
	64	0	19	76
नसरुल्लापुर खादर	16	0	07	53
	17	0	21	42
	18	0	00	51
	19	0	14	02
	20	0	00	26
	76	0	08	33
	81	0	05	46
	82	0	06	20
	92	0	00	77
	93	0	25	21

1	2	3	4	5
	95	0	21	96
	106	0	01	41
	109	0	17	40
	111	0	02	97
	121	0	12	50
	126	0	02	20
अकोडा औरंगज़ेबपुर	237	0	01	51
	263	0	01	72
	266	0	00	41
	268	0	09	12
	271	0	00	77
	273	0	11	61
	274	0	02	67
	275	0	06	02
	276	0	04	20
	277	0	14	07
	278	0	15	68
	297	0	28	19
	298	0	04	92
	299	0	14	66
	300	0	18	17
खडन्जा कुतुबपुर	393	0	04	23
	508	0	00	61
	511	0	00	41
	518	0	00	72
	519	0	03	82
	521	0	04	92
	522	0	02	56
	523	0	09	12

1	2	3	4	5
	525	0	00	10
	526	0	07	81
	527	0	09	12
	530	0	02	40
	531	0	02	26
	532	0	03	25
	533	0	06	51
	534	0	14	07
	622	0	04	41
	623	0	04	66
	648	0	01	00
	649	0	04	56
	650	0	03	25
	651	0	02	36
	679	0	04	25
	680	0	05	10
	681	0	06	61
	689	0	00	20
	692	0	02	20
	693	0	24	06
	694	0	26	16
	748	0	02	20
	750	0	18	84
	751	0	20	86
खेड़ी खुद				
	1	0	11	71
	2	0	10	56
	4	0	15	96
	5	0	04	82
	26	0	01	51

1	2	3	4	5
	30	0	19	76
	32	0	29	57
	33	0	01	10
मुण्डाखेड़ा खुर्द	103	0	38	67
	108	0	00	15
	109	0	15	40
	110	0	04	02
	115	0	03	82
	135	0	02	61
	140	0	23	27
	141	0	27	27
	142	0	09	12
अकोड़ा मुकरमतपुर	295	0	01	51
	270	0	04	25
	294	0	05	30
	296	0	02	00
	297	0	04	92
	305	0	07	25
	306	0	03	82
	307	0	45	87
	308	0	22	96
	324	0	01	53
	325	0	02	14
कुड़ी	1	0	00	77
	2	0	00	36
	12	0	13	61

1	2	3	4	5
	19	0	00	36
	20	0	00	77
	21	0	13	81
	22	0	12	50
	23	0	00	36
	24	0	00	77
	27	0	04	56
	41	0	06	41
	42	0	04	15
	43	0	15	73
	48	0	00	36
	49	0	05	30
	56	0	03	46
	57	0	03	25
	59	0	00	87
	101	0	02	05
	104	0	45	51
	113	0	02	26
	114	0	00	77
	117	0	06	41
	118	0	04	56
	119	0	11	76
	132	0	00	36
	133	0	00	77
	134	0	00	41
	135	0	00	77
	136	0	00	20
	137	0	01	61
	141	0	00	20
	142	0	00	77
	143	0	19	27
	144	0	05	87

1	2	3	4	5
दरगाहपुर	384	0	00	82
	401	0	01	56
	402	0	07	61
	403	0	07	97
रायसी	05	0	00	36
	06	0	00	20
	07	0	17	81
	08	0	00	77
	09	0	07	40
	43	0	02	20
	44	0	00	46
	52	0	02	87
	53	0	11	97
	54	0	18	17
	72	0	00	77
	73	0	00	36
	82	0	00	20
	83	0	06	10
	84	0	05	87
	86	0	13	27
	98	0	00	77
	99	0	00	36
	107	0	17	07
	108	0	07	25
	109	0	00	20
	118	0	11	40
	119	0	04	92
	134	0	13	27
	135	0	08	35
	137	0	02	72

1	2	3	4	5
	138	0	01	46
	141	0	01	41
	498	0	00	05
	506	0	00	36
	508	0	00	77
	509	0	09	81
	511	0	00	36
	512	0	00	77
	529	0	22	17
	530	0	10	20
	532	0	00	77
	533	0	00	36
	539	0	18	01
	546	0	15	12
	547	0	00	36
	548	0	00	77
	552	0	04	36
	553	0	16	71
	563	0	09	12
	564	0	15	55
	565	0	00	77
	566	0	00	36
	570	0	13	61
	571	0	17	81
	583	0	00	36
	584	0	18	17
	595	0	11	97
	596	0	00	46
	605	0	00	77
	610	0	04	15
	611	0	08	56

1	2	3	4	5
	612	0	10	97
	613	0	02	97
	614	0	00	77
	615	0	01	31
	631	0	01	51
	632	0	04	02
	633	0	03	46
	635	0	02	97
	636	0	05	30
	637	0	03	71
	638	0	00	46
हबीबपुर कुड़ी	1003	0	00	77
	1008	0	00	41
	1009	0	06	41
	1013	0	00	36
	1017	0	00	41
	1018	0	00	51
	1019	0	00	87
	1020	0	00	26
	1021	0	02	97
	1022	0	05	30
	1023	0	03	46
	1024	0	00	36
	1025	0	00	20
	1040	0	00	77
	1041	0	00	36
	1096	0	15	55
	1099	0	03	71
	1100	0	22	37
	1101	0	08	71
	1102	0	00	36

1	2	3	4	5
	1103	0	00	20
	1107	0	01	00
	1126	0	00	77
	1127	0	00	36
	1130	0	11	40
	1134	0	07	61
	1135	0	11	40
	1136	0	00	36
	1137	0	00	20
	1154	0	00	77
	1155	0	00	41
	1160	0	00	10
	1161	0	00	26
	1162	0	15	96
	1163	0	11	40
	1184	0	03	46
	1262	0	04	56
	1264	0	16	71
	1265	0	00	36
	1271	0	09	81
	1272	0	06	35
	1273	0	01	31
	1277	0	02	20
	1278	0	01	87
	1279	0	01	20
	1280	0	01	00
	1284	0	00	77
	1285	0	00	36
	1286	0	16	71
	1287	0	01	10
	1295	0	00	36
	1297	0	18	91

1	2	3	4	5
	1299	0	00	05
	1310	0	00	77
	1311	0	00	36
	1318	0	00	05
	1319	0	27	70
मन्सूरपुर उर्फ कपूरो				
	1	0	01	51
	2	0	22	79
	58	0	01	34
	59	0	01	56
	163	0	06	20
	167	0	09	55
	168	0	07	71
	172	0	00	21
	174	0	08	38
	187	0	07	21
	188	0	02	01
	189	0	02	35
	190	0	01	68
	191	0	03	45
	192	0	13	07
	193	0	00	12
	194	0	05	20
	195	0	05	03
	196	0	00	20
	197	0	12	23
	200	0	03	24
	201	0	00	08
	206	0	02	35
	207	0	03	85
	227	0	05	53
	229	0	10	06

1	2	3	4	5
	230	0	01	60
	234	0	07	04
	235	0	06	70
	236	0	09	89
	239	0	07	88
	240	0	03	52
	241	0	01	51
	242	0	00	64
	243	0	02	61
	244	0	19	44
	245	0	05	03
	263	0	05	20
	265	0	03	69
	266	0	02	35
	267	0	00	04
	268	0	00	04
	269	0	06	25
	270	0	02	16
	271	0	06	37
	277	0	06	54
	278	0	06	54
	279	0	05	70
	280	0	08	38
	285	0	13	07
	286	0	01	75
	287	0	08	95
	288	0	07	04
	290	0	04	53
	291	0	11	73
	304	0	01	08
	684	0	00	96
	685	0	00	88
	687	0	01	20
	688	0	02	68
	689	0	04	36

1	2	3	4	5
	690	0	06	03
	701	0	07	71
	702	0	02	20
	704	0	01	20
	705	0	07	54
	720	0	23	46
	721	0	01	40
	736	0	00	24
	744	0	54	85
	745	0	00	48
	748	0	01	10
	749	0	02	35
	750	0	02	51
	751	0	02	85
	752	0	06	70
	753	0	04	02
	754	0	04	36
	755	0	01	76
	759	0	02	66
	760	0	02	10
	761	0	05	60
	762	0	01	84
	770	0	06	20
	771	0	02	51
	773	0	01	68
	775	0	05	60
	777	0	01	28

1	2	3	4	5
	778	0	03	00
	782	0	07	37
	790	0	04	02
	791	0	42	24
	757/800	0	03	35
	775/801	0	01	12

[फा. सं. आर-25011/28/2002-ओ.आर-I]

रेनुका कुमार, अवर सचिव

New Delhi, the 17th January, 2003

S. O. 223.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 2890, dated the 14th September, 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of petroleum products from Saharanpur to Najibabad in the State of Uttaranchal by the Indian Oil Corporation Limited;

And whereas, copies of the said Gazette notification were made available to the public from the 26th September, 2002;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline has, decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of users in the said land shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in the Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE

Tehsil : Luxor		District : Haridwar		State : Uttaranchal		
Village	Khasra No.	Chak.No	Area			
1	2	3	Hectares	Ares	Centiares	
Rasulpur Bakkal	1/1/1	-	0	11	61	
Ehtamal						
	2/13	Nali	0	00	36	
	2/13	Chak Road	0	00	05	
	2/13	Nali	0	00	05	
	2/4	11	0	00	56	
	2/5/1	11	0	07	81	
	2/7	11	0	05	77	
	3	11	0	22	70	
	2/13	14	0	02	61	
	3	20	0	07	97	
	6	20	0	11	40	
	7	20	0	00	05	
	6	22	0	08	12	
	9	22	0	05	56	
	2/1	34	0	04	56	
	2/2	34	0	06	61	
	2/4	34	0	02	61	
	2/13	34	0	05	66	
	2/4	Chak Road	0	00	36	
	2/4	Nali	0	00	20	
	5	Chak Road	0	00	36	
	5	Nala	0	01	51	

Village	Khasra No.	Area		
		Hectares	Ares	Centiares
1	2	3	4	5
Majri Akbarpur	85	0	01	10
	120	0	01	10
	134	0	05	25
	135	0	49	87
	136	0	10	71
	170	0	19	27
	171	0	00	31
	174	0	21	81
	232	0	40	97
	233	0	01	36
	234	0	09	81
	235	0	04	92
	253	0	07	61
	254	0	06	20

1	2	3	4	5
Rasulpur Bakkal	28	0	00	05
Mustahkam				
	31	0	16	50
	32	0	29	21
	34	0	00	36
	35	0	07	25
	36	0	07	40
	37	0	00	36
	38	0	04	15
	39	0	04	92
	41	0	01	10
Kuwa Kheda	79	0	01	51
	80	0	19	27
	81	0	10	97
	83	0	12	17
	84	0	20	11
	96	0	12	91
	97	0	23	47
	98	0	21	60
	149	0	01	51
	155	0	01	20
	156	0	21	42
	157	0	01	46
	167	0	20	65
	168	0	00	36
	174	0	00	77
	175	0	11	48
	176	0	03	10
	177	0	16	32
	184	0	00	77

1	2	3	4	5
	185	0	18	17
	194	0	01	92
	195	0	19	83
	196	0	00	87
	200	0	01	51
Bhurni Khatirpur	19	0	17	81
	21	0	06	77
	22	0	04	56
	23	0	15	12
	54	0	00	77
	55	0	01	10
	57	0	23	06
	58	0	10	20
	59	0	25	60
	120	0	05	30
	126	0	03	10
	128	0	24	78
	130	0	22	17
	131	0	02	26
	132	0	00	72
	134	0	02	61
	136	0	51	51
	187	0	00	92
Bhurna	7	0	02	36
	12	0	14	35
	13	0	18	71
	15	0	08	71
	30	0	01	20
	32	0	01	46

1	2	3	4	5
	33	0	18	04
	36	0	01	97
	37	0	24	65
	40	0	14	22
	176	0	00	05
	177	0	06	71
	178	0	04	25
	179	0	00	20
	180	0	04	36
	181	0	06	77
	182	0	04	77
	183	0	02	00
	184	0	04	56
	185	0	00	77
	188	0	03	61
	189	0	00	36
	190	0	00	26
	191	0	06	87
	244	0	02	15
	245	0	03	92
	246	0	17	96
	249	0	27	06
	253	0	01	51
	264	0	05	12
	267	0	01	51
	268	0	28	04
Sheikhpuri Khadar				
	10	0	02	41
	12/1	0	00	77
	12/3	0	12	50
	14	0	08	71

1	2	3	4	5
	17	0	10	76
	40	0	03	54
	41	0	28	11
	42	0	08	56
Dabki Khurd	1	0	06	20
Khedi Mubarakpur	1	0	01	46
	2	0	04	30
	4	0	02	82
	5	0	02	20
	6	0	00	77
	34	0	02	41
	35	0	35	41
	36	0	21	96
	60	0	00	31
	61	0	01	92
	62	0	32	26
	63	0	26	57
	64	0	19	76
Nasrullapur Khadar	16	0	07	53
	17	0	21	42
	18	0	00	51
	19	0	14	02
	20	0	00	26
	76	0	08	33
	81	0	05	46
	82	0	06	20
	92	0	00	77
	93	0	25	21

1	2	3	4	5
	95	0	21	96
	106	0	01	41
	109	0	17	40
	111	0	02	97
	121	0	12	50
	126	0	02	20
Akodha Aurangzebpur	237	0	01	51
	263	0	01	72
	266	0	00	41
	268	0	09	12
	271	0	00	77
	273	0	11	61
	274	0	02	67
	275	0	06	02
	276	0	04	20
	277	0	14	07
	278	0	15	68
	297	0	28	19
	298	0	04	92
	299	0	14	66
	300	0	18	17
Khadanja Kutubpur	393	0	04	23
	508	0	00	61
	511	0	00	41
	518	0	00	72
	519	0	03	82
	521	0	04	92
	522	0	02	56
	523	0	09	12
	525	0	00	10

1	2	3	4	5
	526	0	07	81
	527	0	09	12
	530	0	02	40
	531	0	02	26
	532	0	03	25
	533	0	06	51
	534	0	14	07
	622	0	04	41
	623	0	04	66
	648	0	01	00
	649	0	04	56
	650	0	03	25
	651	0	02	36
	679	0	04	25
	680	0	05	10
	681	0	06	61
	689	0	00	20
	692	0	02	20
	693	0	24	06
	694	0	26	16
	748	0	02	20
	750	0	18	84
	751	0	20	86
Khedi Khurd				
	1	0	11	71
	2	0	10	56
	4	0	15	96
	5	0	04	82
	26	0	01	51
	30	0	19	76
	32	0	29	57
	33	0	01	10

1	2	3	4	5
Mundakheda Khurd	103	0	38	67
	108	0	00	15
	109	0	15	40
	110	0	04	02
	115	0	03	82
	135	0	02	61
	140	0	23	27
	141	0	27	27
	142	0	09	12
Akodha Mukarmatpur	295	0	01	51
	270	0	04	25
	294	0	05	30
	296	0	02	00
	297	0	04	92
	305	0	07	25
	306	0	03	82
	307	0	45	87
	308	0	22	96
	324	0	01	53
	325	0	02	14
Kudi	1	0	00	77
	2	0	00	36
	12	0	13	61
	19	0	00	36
	20	0	00	77
	21	0	13	81
	22	0	12	50
	23	0	00	36

1	2	3	4	5
	24	0	00	77
	27	0	04	56
	41	0	06	41
	42	0	04	15
	43	0	15	73
	48	0	00	36
	49	0	05	30
	56	0	03	46
	57	0	03	25
	59	0	00	87
	101	0	02	05
	104	0	45	51
	113	0	02	26
	114	0	00	77
	117	0	06	41
	118	0	04	56
	119	0	11	76
	132	0	00	36
	133	0	00	77
	134	0	00	41
	135	0	00	77
	136	0	00	20
	137	0	01	61
	141	0	00	20
	142	0	00	77
	143	0	19	27
	144	0	05	87
Durgahpur	384	0	00	82
	401	0	01	56
	402	0	07	61
	403	0	07	97

1	2	3	4	5
Raisi	05	0	00	36
	06	0	00	20
	07	0	17	81
	08	0	00	77
	09	0	07	40
	43	0	02	20
	44	0	00	46
	52	0	02	87
	53	0	11	97
	54	0	18	17
	72	0	00	77
	73	0	00	36
	82	0	00	20
	83	0	06	10
	84	0	05	87
	86	0	13	27
	98	0	00	77
	99	0	00	36
	107	0	17	07
	108	0	07	25
	109	0	00	20
	118	0	11	40
	119	0	04	92
	134	0	13	27
	135	0	08	35
	137	0	02	72
	138	0	01	46
	141	0	01	41
	498	0	00	05
	506	0	00	36
	508	0	00	77

1	2	3	4	5
	509	0	09	81
	511	0	00	36
	512	0	00	77
	529	0	22	17
	530	0	10	20
	532	0	00	77
	533	0	00	36
	539	0	18	01
	546	0	15	12
	547	0	00	36
	548	0	00	77
	552	0	04	36
	553	0	16	71
	563	0	09	12
	564	0	15	55
	565	0	00	77
	566	0	00	36
	570	0	13	61
	571	0	17	81
	583	0	00	36
	584	0	18	17
	595	0	11	97
	596	0	00	46
	605	0	00	77
	610	0	04	15
	611	0	08	56
	612	0	10	97
	613	0	02	97
	614	0	00	77
	615	0	01	31
	631	0	01	51
	632	0	04	02
	633	0	03	46
	635	0	02	97
	636	0	05	30
	637	0	03	71
	638	0	00	46

1	2	3	4	5
Habibpur Kudi	1003	0	00	77
	1008	0	00	41
	1009	0	06	41
	1013	0	00	36
	1017	0	00	41
	1018	0	00	51
	1019	0	00	87
	1020	0	00	26
	1021	0	02	97
	1022	0	05	30
	1023	0	03	46
	1024	0	00	36
	1025	0	00	20
	1040	0	00	77
	1041	0	00	36
	1096	0	15	55
	1099	0	03	71
	1100	0	22	37
	1101	0	08	71
	1102	0	00	36
	1103	0	00	20
	1107	0	01	00
	1126	0	00	77
	1127	0	00	36
	1130	0	11	40
	1134	0	07	61
	1135	0	11	40
	1136	0	00	36
	1137	0	00	20
	1154	0	00	77
	1155	0	00	41
	1160	0	00	10
	1161	0	00	26
	1162	0	15	96
	1163	0	11	40
	1184	0	03	46

1	2	3	4	5
	1262	0	04	56
	1264	0	16	71
	1265	0	00	36
	1271	0	09	81
	1272	0	06	35
	1273	0	01	31
	1277	0	02	20
	1278	0	01	87
	1279	0	01	20
	1280	0	01	00
	1284	0	00	77
	1285	0	00	36
	1286	0	16	71
	1287	0	01	10
	1295	0	00	36
	1297	0	18	91
	1299	0	00	05
	1310	0	00	77
	1311	0	00	36
	1318	0	00	05
	1319	0	27	70
Mansurpur Kapooro	Alias	1	01	51
		2	22	79
		58	01	34
		59	01	56
		163	06	20
		167	09	55
		168	07	71
		172	00	21
		174	08	38
		187	07	21
		188	02	01
		189	02	35
		190	01	68
		191	03	45

1	2	3	4	5
	192	0	13	07
	193	0	00	12
	194	0	05	20
	195	0	05	03
	196	0	00	20
	197	0	12	23
	200	0	03	24
	201	0	00	08
	206	0	02	35
	207	0	03	85
	227	0	05	53
	229	0	10	06
	230	0	01	60
	234	0	07	04
	235	0	06	70
	236	0	09	89
	239	0	07	88
	240	0	03	52
	241	0	01	51
	242	0	00	64
	243	0	02	61
	244	0	19	44
	245	0	05	03
	263	0	05	20
	265	0	03	69
	266	0	02	35
	267	0	00	04
	268	0	00	04
	269	0	06	25
	270	0	02	16
	271	0	06	37
	277	0	06	54
	278	0	06	54
	279	0	05	70

1	2	3	4	5
	280	0	08	38
	285	0	13	07
	286	0	01	75
	287	0	08	95
	288	0	07	04
	290	0	04	53
	291	0	11	73
	304	0	01	08
	684	0	00	96
	685	0	00	88
	687	0	01	20
	688	0	02	68
	689	0	04	36
	690	0	06	03
	701	0	07	71
	702	0	02	20
	704	0	01	20
	705	0	07	54
	720	0	23	46
	721	0	01	40
	736	0	00	24
	744	0	54	85
	745	0	00	48
	748	0	01	10
	749	0	02	35
	750	0	02	51
	751	0	02	85
	752	0	06	70

1	2	3	4	5
	753	0	04	02
	754	0	04	36
	755	0	01	76
	759	0	02	66
	760	0	02	10
	761	0	05	60
	762	0	01	84
	770	0	06	20
	771	0	02	51
	773	0	01	68
	775	0	05	60
	777	0	01	28
	778	0	03	00
	782	0	07	37
	790	0	04	02
	791	0	42	24
	757/800	0	03	35
	775/801	0	01	12

[No. R-25011/28/2002-O.R.-I]
RENUKA KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 20 दिसम्बर, 2002

का.आ. 224.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण/श्रम व्यायालय कोलकाता के पंचाट (संदर्भ संख्या 15/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-02 को प्राप्त हुआ था।

[सं. एल-12011/2/2001-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 20th December, 2002

S. O. 224.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2001) of the Central Government Industrial Tribunal, Kolkata as shown in the annexure in the Industrial Dispute between the employers in relation to the management of United Bank of India and their workman, which was received by the Central Government on 19-12-2002.

[No. L-12011/2/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 15 of 2001

Parties : Employers in relation to the management of United Bank of India

AND

Their workman

Present :

Mr. Justice Bharat Prasad Sharma
...Presiding Officer

Appearance :

On behalf of Mr. A. Moitra, Deputy Chief Management Officer (Law) of the Bank.

On behalf of Mr. P. S. Bhattacharjee, Advocate. Workman

State : West Bengal Industry : Banking
Dated : 11th December, 2002.

AWARD

By Order No. L-12011/2/2001/IR (B-II) dated 09-04-2001 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of United Bank of India in reducing the working hours of Shri Samer Kumar Mallick, Part time Sweeper from less than 19 hours to less than 6 hours a week and thereby reducing wages correspondingly as per the bank’s rules is legal and justified ? If not, what relief is Shri Mallick entitled to ?”

2. This reference arise out of the Industrial dispute raised by the United Bank of India Employees’ Union on behalf of an employee, Samar Kumar Mallick, a part-time Sweeper of the United Bank of India, Calcutta.

3. From the written statement filed on behalf of the Union it appears that the aforesaid workman Samar Kumar Mallick was appointed as part-time Sweeper by the erstwhile Calcutta (Central) Region of the U.B.I. through an appointment letter dated 31st March, 1999. In the appointment letter, the duty hours of the workman concerned were specified as less than 19 hours per week and his remuneration was fixed at Rs. 440/- per month. It is stated that since after his appointment he continued to work as per the terms of appointment in the Calcutta (Central) Regional Office and subsequently the workman was ordered to be attached to Calcutta (North) Regional Office by the Chief Officer, Personnel & Administration (AS) through letter dated 30 November, 1999. It was because the Calcutta (Central) Regional Office was closed. In this letter also the working hours were mentioned as less than 19 hours a week. Subsequently, the Chief Manager, Calcutta (North) Region through a letter dated 29-02-2000 informed the workman to accept an offer of appointment in which this service condition was abruptly and arbitrarily changed by reduction of his duty hours from less than 19 hours to 6 hours a week. It is stated that the said letter was received by the workman on 29-02-2000 under protest as it was likely to deprive him of getting higher wage accordingly to the provisions of the bipartite settlement. It is stated that the bipartite settlement stipulated that a part-time sweeper working for less than 19 hours a week is entitled to get half of the initial pay and allowances of the subordinate staff employed in the bank. It is further stated that in the aforesaid circumstances the workman

submitted his representation to the concerned regional authority praying for redressal of his grievances. Subsequently, the regional committee of the union of which the workmen happened to be a member also wrote a letter to the Bank management urging them to do justice to the workman concerned by not reducing his working hours, as a result of which his wage was going to be reduced, but it did not find favour with the management and accordingly, the dispute was raised and finally the reference has been made.

4. A written statement was also filed on behalf of the management of the Bank. It has been stated in the written statement of the Bank that the said workman, Samar Kumar Mallick was appointed as part-time Sweeper vide letter dated 31-03-1999 in which it was mentioned that his emoluments would a lumpsum of Rs. 440/- per month and it was guided by the Bank's Circular No. PD/44/83 dated 04-03-1983 which lays down the provisions regarding the hours of work and the wages to be received by such part-time Sweepers. It is further stated that in the erstwhile Calcutta (Central) Region where the workman was appointed as a part-time Sweeper, the actual floor space was 7254 Sq. Ft. and in terms of the Bank's rules a full-time Sweeper was supposed to sweep and clean a floor area of 6000 Sq. Ft. and upto 6500 Sq. Ft. It is stated that in this view of the matter, the full-time Sweeper, one Dilip Kumar Shaw, who was earlier managing the entire floor area was asked to sweep the area up to 6500 Sq. Ft. only and the extra area of 754 Sq. Ft. was left to be swept by the workman concerned and he was appointed for this purpose. It is also further stated that from the chart given in paragraph 339 of the instruction of the Bank for sweeping an area of upto 1000 Sq. Ft., weekly working hours was to be specified as below 6 hours and for this purpose the part-time Sweeper was supposed to get Rs. 440/- per month as lumpsum. It is also further stated that as the area to be swept by the workman concerned was only 754 Sq. Ft., he was eligible for receiving a lumpsum of Rs. 440/- per month. It is further stated that in the appointment letter dated 31-03-1999 the duty hours were mentioned as less than 19 hours by inadvertence, but subsequently, when the error was detected, the management rectified the mistake by reducing the working hours from less than 19 hours to less than 6 hours. It is stated that the allegation of the union is incorrect that the Bank had arbitrarily reduced the working hours of the workman concerned. It is stated that in the appointment letter dated 31-03-1999 the duty hours were inadvertently mentioned as less than 19 hours,

which should have been less than 6 hours a week and accordingly the management rectified the mistake. In this view of the matter, it has been submitted on behalf of the management that as the management had right to rectify the bonafide mistake, the mistake in this case was also corrected and the order issued in this connection was also duly received and accepted by the workman concerned. So, only because of the mistake in the appointment letter, the workman is not entitled to take advantage and it will not be proper to accept the claim of the workman.

5. An interesting feature of this case is that though some undisputed documents were filed on behalf of both the parties, neither the union, nor the management made any effort to get any of the documents marked as exhibit, nor the parties examined any witness in this case. However, both the parties have filed written arguments in support of the analogies advanced by them.

6. From the pleadings it is the admitted position that in the appointment letter dated 31-03-99 it was mentioned that the duty hours of the workmen concerned shall be less than 19 hours per week. It is in paragraph 7 of the appointment letter. It is also mentioned that his salary shall be Rs. 440/- per month as lumpsum. It is also admitted on behalf of both the parties that on the same terms and condition the workman was transferred from Calcutta (Central) Regional Office of the Bank to Calcutta (North) Regional Office by an order dated 13th November, 1999. It further appears that on 30th November, 1999 a representation was filed by the workman concerned to the Deputy General Manager and the Chief Regional Manager of Calcutta (North) Region of the Bank stating therein that according to his terms of appointment he was supposed to do the sweeping and cleaning work for less than 19 hours per week and was supposed to receive Rs. 440/- per month lumpsum. He further pointed out that as per the bipartite settlement part-time sweeper working for a period of less than 19 hours in a week was supposed to receive half of the scale of wages of the subordinate staff with proportionate annual increment. Accordingly, he pointed out that in this view of the matter, the workman was entitled to receive at the rate of half of the scale of the subordinate staff instead of a sum of Rs. 440/- as lumpsum amount and he made a prayer to the management to revise his wages accordingly. A similar representation appears to have been made on behalf of the union also by a letter dated 22-01-2000

and it was stated that the representation filed by the workman concerned should be allowed and he should not be deprived of the rightful wages as per the settlement. It appears that through a letter dated 29-02-2000 the management informed the workman concerned that the appointment letter of 31-3-1999 had mentioned his working hours as less than 19 hours a week and his salary was fixed at Rs. 440/- lumpsum per month and it was further stated in the letter that in view of the fact that his payment was fixed at Rs. 440/- per month, his duty hours was reduced to less than 6 hours a week. The workman concerned is supposed to have received this letter under protest and the dispute arose thereafter.

7. So far as the management is concerned, it has been stated that as per the rules of the Bank a full-time sweeper is supposed to clean a floor area of over 6000 Sq. Ft. up to 6500 Sq. Ft. and accordingly a full-time sweeper was engaged in the concerned Regional Office (North) but because it was found that the total floor area was 7254 Sq. Ft. the full-time sweeper was supposed to clean the floor area of 6500 Sq. Ft. only and for cleaning the residuary area of 754 Sq. Ft. the workman concerned was engaged, but by mistake instead of writing his working hours as less than 6 hours, it was mentioned as less than 19 hours per week, but the scale of payment was mentioned in the appointment letter as per the schedule in the rule which was for a part-time sweeper whose working hours were less than 6 hours a week and accordingly, this mistake when it was detected was corrected. So, it has been submitted that since the management had every right to rectify its bonafide mistake, the mistake was corrected and the workman concerned had also received the order and had accepted it. Therefore, the question of dispute did not arise.

8. On the other hand, it has been submitted on behalf of the union that in the order by which the duty hours of the workman was reduced to less than 6 hours, it was never mentioned that because he was to sweep an area of less than 1000 Sq. Ft. the duty hours should be less than 6 hours; Rather, it was presupposed that because he was to receive Rs. 440/- per month as lumpsum, his duty hours accordingly to the rules should be less than 6 hours and the correction was made. It is submitted that this change in the duty hours seriously affected the working conditions of the workman concerned and such conditions cannot be changed without notice to the workman and the union as per Section 9A of the Industrial Disputes Act, 1947. It is sub-

mitted on behalf of the union that the aforesaid Section 9A of the Act provides that if the management wants to change the working conditions of the workman, a notice has to be issued and the party has to be given opportunity of being heard. It is submitted that if at all the management found that there was any mistake in the duty hours mentioned in the appointment letter which should be corrected, the management should have given an opportunity to the workman and the union to be heard on the point, but instead of doing it, they abruptly and arbitrarily reduced the working hours of the workman concerned from less than 19 hours to less than 6 hours per week. It has been pointed out that it was with dishonest intention on the part of the management. It is submitted that because the bipartite settlement provided that a part-time sweeper whose duty hours are less than 19 hours a week is entitled to receive half of the basic salary of the regular workman of that category and because in contravention of this provision of the settlement the salary of the workman concerned was fixed at Rs. 440 lumpsum and because the workman concerned made a representation in this regard, the management devised a method of escape the responsibility and the embrassment and passed an order arbitrarily reducing the working hours of the workman concerned from below 19 hours to below 6 hours per week. It has been submitted that even if it was so that there was mistake in the appointment letter in mentioning the working hours of the workman concerned, the management had no justification in correcting the mistake without giving opportunity to the workman concerned and the union in the matter. It has been submitted that it is obvious from the letter by which his working hours were reduced from less than 19 hours to less than 6 hours per week that nowhere it is mentioned that because the workman was supposed to or required to sweep an area of less than 1000 Sq. Ft., the working hours should be less than 6 hours and, therefore, the correction is made. It is submitted that on the other hand it appears from the letter that because the management assumed that the workman was supposed to receive Rs. 440/- per month lumpsum; the working hours according to the bipartite settlement should be less than 6 hours a week and it was done. Therefore, it has been submitted on behalf of the union that the action of the management in reducing the working hours of the workman concerned cannot be justified, because the provisions of Section 9A of the Act have been completely ignored.

9. On considering the entire material, it becomes clear that the manner in which the reduction in the working hours of the workman concerned was made by the management does not appear to be bonafide and legal. Such a change in the working hours of the workman concerned affected his right to claim higher wages as per the bipartite settlement and by reducing his working hours the management tried to prevent the workman from claiming higher wages applicable for the part-time sweeper with working hours of less than 19 hours per week. In my view, the contention of the union appears to be genuine and correct. The manner in which the change had been made affects the working conditions of the workman concerned and since no notice under Section 9A of the Act was issued before making change in the working conditions of the workman concerned, the order of the management cannot be justified. It is accordingly held that because the working hours of the workman concerned were mentioned in the appointment letter as less than 19 hours per week, he was entitled to receive wages as per the bipartite settlement at the scale of half of the initial scale of the regular workman of that category and if the management wanted to bring about any change, they should have acted in accordance with the provisions of Section 9A of the Act, which has not been done.

10. The reference is accordingly decided and it is held that the action of the management of the United Bank of India is not justified in this case. The workman is accordingly held to be entitled to the payment throughout his period of service at the rate of half of the basic scale of an employee of that category with proportionate increment benefits.

B. P. SHARMA, Presiding Officer
Dated Kolkata, the 11th December, 2002.

नई दिल्ली, 20 दिसम्बर, 2002

का.आ. 225.—ग्रीष्मोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्रीष्मोगिक विवाद में केन्द्रीय सरकार ग्रीष्मोगिक अधिकरण/थ्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या: 7/54/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-02 को प्राप्त हुआ था।

[सं. एल-12011/10/2001-ग्राइ. आर. (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 20th December, 2002

S.O. 225.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/54/2001) of the Central Government Industrial Tribunal-cum-LC No. 2, Mumbai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 19-12-2002.

[No. L-12011/10/2001-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

S. N. Saundankar,
Presiding Officer

REFERENCE CGIT—2/54 OF 2001

Employers in relation to the management of Syndicate Bank,
The Deputy General Manager,
Syndicate Bank, Zonal Office,
Makar Tower No. E, 2nd Floor,
Plot No. 85, Cuffe Parade, Colaba,
Mumbai-400 005.

AND

Their Workman
The Secretary,
Syndicate Bank Employees' Union,
Ground Floor,
10, Homji Street,
Mumbai-400 023.

Appearances :

For the Employer Mr. R. N. Shah,
Advocate.

For the Workmen Mr. Jaiprakash Sawant,
Advocate.

Mumbai, dated 22nd November, 2002

AWARD PART I

The Government of India Ministry of Labour by its Order No. L-12011/10/2001-IR (B-II) dated 27-4-2001 in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Syndicate Bank, Mumbai by dismissing

Shri H. K. Sakpal from the services of the Bank is just and proper ? If not, what relief the workman is entitled to ?"

2. Workman Sakpal was engaged in the Bank as Attender in the year 1980. By Claim Statement Exhibit-5 workman contended that while working at Homji Street Branch, Mumbai, he had obtained housing loan from the Bank which he repaid with interest at higher rate. It is averred that workman sold the house for which loan was sought to meet out the expenses of medical treatment of his ailing wife and educational expenses of his children. It is contended that the management Bank held enquiry against him of the chargesheet dt. 25-8-95 for sale of the house for which loan was sought, without the permission of the Bank which was infact minor misconduct. However, the Inquiry Officer held it gross misconduct under the Bipartite Settlement and based on the report, he was dismissed from the services w.e.f. 6-10-98. It is averred the punishment imposed was disproportionate with the gravity of charge, consequently it is contended management acted illegally.

3. Management Bank resisted the claim of workman by filing Written Statement Exhibit-6 contending that workman while working at Crawford Market Branch was issued chargesheet dated 25-8-95 for gross misconduct of doing acts prejudicial to the interest of the Bank. It is averred, workman while working at Homji Street branch availed housing loan of Rs. 58,500 under Employees Housing Loan Scheme on 20-3-86. However, when the officer of the Bank visited the house mortgaged to the Bank on 25-7-94 found that house was of one L. D. Rane and on enquiry it was revealed that workman had sold the house to said Rane for Rs. 1,22,000 without the permission of the Bank and thereby misused the housing loan facility. It is contended departmental enquiry was held against the said misconduct and the Inquiry Officer giving sufficient opportunity recorded the findings holding him guilty and based on the report dated 25-11-97, workman was dismissed from service from 6-10-98. Consequently it is contended the claim of workman being devoid of substance be dismissed.

4. By the rejoinder (Ex. 7) workman reiterated the recitals in the claim statement denying the averments in the written statement. It is averred that workman had not gained any pecuniary benefit and had not acted prejudicial to the interests of the Bank.

5. On the basis of the pleadings issued were framed at Ex. 8. In so far as preliminary issues workman filed affidavit in lieu of Examination-in-Chief, (Ex. 10) and closed evidence vide purshis (Ex. 11). Management however, did not lead oral evidence vide purshis Ex. 12.

6. Workman filed written submissions (Ex. 14) with copies of rulings (Ex. 14/A) and management Exhibit 16. On perusing the record, written submission and hearing both the Advocates, I record my findings on the following preliminary issues for the reasons mentioned below :

Issues	Findings
(1) Whether the domestic inquiry conducted against the workman was as per the principles of natural justice ?	Yes.
(2) Whether the findings of the Inquiry Officer are perverse ?	No.

REASONS

7. At the threshold it is to be noted that at this stage we have to decide whether the enquiry was fair and proper and whether the findings are perverse and not to adjudicate whether the action is justified and whether punishment imposed is harsh or disproportionate. According to the workman as averred in Claim Statement para 5 and sworn testimony enquiry conducted against him was against the principles of natural justice and the findings of the Inquiry Officer are perverse, however he has not pointed out nor explained to that effect. So far domestic enquiry is concerned, Their Lordships of the Apex Court in Sur Enamel and Stamping Works V/s. Their Workmen 1963 II LLJ, SCC pg. 367 ruled that enquiry cannot be said to have been properly held unless :

- (1) the employee proceeded against has been informed clearly of the charges levelled against him ;
- (2) the witnesses are examined ordinarily in the presence of the employee in respect of the charges ;
- (3) the employee is given a fair opportunity to cross-examine witnesses ;
- (4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter; and
- (5) the Inquiry Officer records his findings with reasons for the same in his report.

8. Management filed enquiry proceedings with list Exhibit-9. Chargesheet issued against the workman dated 25-8-95 is clear and in detail. Enquiry was conducted during 15-7-96—1-8-97 and that enquiry report is dated 25-11-97. It is not that enquiry was done with haste. Workman admits that he had participated in the enquiry, one Mahale was defence representative of his choice whc was

representative of Union and that he had cross-examined the management witnesses. He further admits that he was given opportunity to examine himself and his witnesses and so far proceeding is concerned, according to workman whatever transpired was recorded in the proceedings. Workman speaks cryptic that enquiry is not proper however he has not placed anything to that effect on record. On going through the enquiry proceedings and the report dated 25-11-97 clearly fulfil the tests laid down in the above referred decision.

8. So far the findings of the Inquiry Officer are concerned, it is seen documents and evidence on record was considered by the Inquiry Officer. Workman in his cross-examination para 11 clearly pointed out that the report is based on documents and evidence. On going through the record, it is apparent enquiry was conducted as per the principles of natural justice and that findings are not perverse. Issues are therefore, answered accordingly and hence the order.

ORDER

The domestic enquiry conducted against the workman Mr. H. K. Sakpal was as per the Principles of Natural Justice and the findings of the Inquiry Officer are not perverse.

S. N. SAUNDANKAR Presiding Officer

नई दिल्ली, 20 दिसम्बर, 2002

का.आ. 226.—ग्रौवोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधतात्व के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्रौवोगिक विवाद में केन्द्रीय सरकार ग्रौवोगिक अधिकारण/थ्रम न्यायालय नं-2, मुम्बई के पंचाट (संदर्भ संख्या: 2/116/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-2002 को प्राप्त हुआ था।

[सं. एल-12011/214/2000-दाई.आर. (बी-II)]

सौ. गंगाधरण, अवर सचिव

New Delhi, the 20th December, 2002

S.O. 226.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/116/2000) of the Central Government Industrial Tribunal-cum-LC No. 2, Mumbai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 20-12-2002.

[No. L-12011/214/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II MUMBAI
PRESENT

S. N. SAUNDANKAR
PRESIDING OFFICER

REFERENCE NO: CGIT-2/116 OF 2000

EMPLOYERS IN RELATION TO THE MANAGEMENT OF SYNDICATE BANK

The Deputy General Manager,
Syndicate Bank, Zonal Office,
Maker Tower No. E, 2nd floor
Plot No. 85, Cuffe Parade,
Colaba, Mumbai-400 005.

AND

THEIR WORKMEN

The President,
Syndicate Bank Employees' Union,
Kalyan Bhavan, 1st floor,
69, Armenian Street, PO. Box No. 180
Chennai-600 001.

APPEARANCES:

FOR THE EMPLOYER Mr. R.N. Shah
Advocate

FOR THE WORKMEN Mr. Jaiprakash Sawant
Advocate

Mumbai, Dated 21st November, 2002
Award Part IV

The Government of India Ministry of Labour by its Order No. L-12011/214/2000-IR(B-II) dated 27-11-2000 in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication: Whether the action of management of M/s. Syndicate Bank by dismissing Shri C.K. Diwalkar from the services of the Bank is justified and proper? If not, then what relief the workman is entitled to?

2. Workman Diwalkar was engaged as Attender in the Bank in the year 1980 and that he was promoted as Clerk from 1985. In the year 1998, he was posted at Worli (South Mumbai) of Syndicate Bank. By Claim Statement Exhibit-7 workman averred that on 18-9-98 he was suspended pending chargesheet dated 3-12-98 on the allegation that with dishonest intention he derived unlawful pecuniary benefits. It is alleged in the chargesheet that workman fraudulently credited an amount of Rs. 1,06,369 being realisation proceeds of CDD 179/98 and 180/98 to SB Account No. 185523 of Mr. Razak and misappropriated the amount by fraudulently obtaining signature of said Razak on withdrawal slip No. 022641 on 24-3-98 to withdraw Rs. 1,00,000 and by

forging signature of said Razak on withdrawal slip No. 022712 on 26-3-98 to withdraw Rs. 6900 from the SB Account No. 185523. It is pleaded that workman denied the said allegation as he was not involved in all the transactions referred to above nor he destroyed the credit slips, nor forged the signature of Razak. He averred that he did not misappropriate any amount nor committed any misconduct, however in spite of this management held enquiry. It is averred that Inquiry Officer without following the principles of natural justice held him guilty and that findings recorded by him are perverse. It is contended that management based on the findings, dismissed the workman from the service illegally from 1-10-99. It is contended that management's action being illegal, be set aside.

3. Management Bank resisted the claim of workman by filing written statement (Exhibit-9) contending that the workman misappropriated the amount as alleged in the chargesheet which was 'misconduct' under the Bipartite Settlement Clause 19.5 (J) and therefore, he was dismissed as the misconduct was of grave nature. It is averred that the Inquiry Officer giving sufficient opportunity and hearing the workman had recorded findings that he was involved in fraudulently crediting the realisation proceeds. It is averred SB Account holder Mr. Razak had lodged complaint to police that he was threatened by workman. It is contended as per the principles of natural justice. Enquiry was held and based on the findings workman was dismissed. It is contended management's action being legal workman's claim is devoid of substance and the same be dismissed in limine.

4. By rejoinder Ex-10 workman reiterated the recitals in the Claim Statement denying the averments in Written Statement further contending that the Sub-Manager Mr. A.C. Silveria and others have played fraud upon the Bank, however, workman had been made scapegoat.

5. On the basis of the pleadings issues were framed at Ex-11 and in that context workman filed affidavit in lieu of Examination-in-Chief (Exhibit-14) and closed oral evidence vide (Exhibit-15). In rebuttal, however, management did not lead oral evidence vide purshis (Exhibit-16).

6. Workman filed written submissions (Ex-17) and the management Exhibit-18. On hearing the counsel and perusing the record and the written submissions, I record my findings on following preliminary issues for the reasons mentioned below :—

Issues	Findings
1. Whether the domestic enquiry conducted against the workman	Yes

was as per the Principles of Natural Justice?

2. Whether the findings of the Inquiry Officer are perverse?

REASONS

7. At the outset it is to be noted that at this stage we have to consider whether the enquiry held against the workman was fair and proper and whether the findings are perverse or not and not to adjudicate whether the action is justified and that punishment imposed is harsh or disproportionate. Workman averred in claim statement para 5 and on oath in para 3 & 4 stated cryptic that enquiry was against the principles of natural justice and findings are perverse without explaining to that effect. So far domestic enquiry is concerned, their Lordships of the Apex Court in Sur Enamel and Stamping Works Vs. Their Workmen 1963 II LLJ SCC pg. 367 ruled that enquiry cannot be said to have been properly held unless:

- (1) the employee proceeded against has been informed clearly of the charges levelled against him.
- (2) the witnesses are examined ordinarily in the presence of the employee in respect of the charges.
- (3) the employee is given a fair opportunity to cross-examine witnesses.
- (4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter, and
- (5) the Inquiry Officer records his findings with reasons for the same in his report.

8. Management filed enquiry proceedings with list Exhibit-12. Chargesheet issued against the workman dated 3-12-98/14-12-98 clearly depicts particulars in detail. Workman has not filed affidavit challenging the enquiry. His defence representative Mr. Karkera who was member of the Union at the relevant time admits in cross-examination para 7 that he represented the workman as per his choice, he cross-examined the witnesses of the management, examined the workman and his witnesses. He further admitted that whatever transpired in the enquiry was recorded in the proceedings. It is significant to note that Karkera clearly admitted that workman and he himself told the Inquiry Officer at the end of the enquiry that they were satisfied with the conduct of the enquiry. On perusing the enquiry proceedings on record, clearly indicate the signatures of the workman and his defence representative on the proceedings. Inquiry Officer considered the evidence and documents while recording

the findings in his report dated 2-8-99. It is not that enquiry was conducted with haste. Inquiry Officer has referred to the CDDs, entries to OBCs and the cheques. It is clearly seen findings are based on the evidence and documents therefore, going through the record as a whole it is apparent that enquiry was conducted as per the tests laid down in the decision referred supra, observing the principles of natural justice and that the findings not perverse. Issues are therefore, answered accordingly, hence the order:

ORDER

The domestic enquiry conducted against the workman Mr. C.K. Diwalkar was as per the principles of natural justice and the findings of the Inquiry Officer are not perverse.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 20 दिसम्बर, 2002

का.आ. 227.—ग्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्रौद्योगिक विवाद में ग्रौद्योगिक अधिकरण, कोल्लम के पंचाट (संदर्भ संख्या 12/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-2002 को प्राप्त हुआ था।

[सं. प.ल-12012/147/98-आई.आर. (वी-II)]
सी. गंगाधरण, अवार सचिव

New Delhi, the 20th December, 2002

S.O.227.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/99) of the Industrial Tribunal, Kollam as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 19-12-2002.

[No. L-12012/147/98-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

In the Court of the Industrial Tribunal, Kollam
(Dated, this the 2nd day of December, 2002)

PRESENT :

SRI C.N. Sasidharan,
Presiding Officer

IN

INDUSTRIAL DISPUTE NO. : 12/99
Between

The Syndicate Bank represented by the Deputy General Manager, Zonal Office P.B. No.: 2268, Sasthakirpa

Office Complex,
Sasthamangalam, Trivandrum Management
(By Sri Manoj Sreedhar, Advocate, Kollam)
And
G. Chandra Babu, Palavilaveedu, .. Workman
Kaithacode P.O., Kollam Taluk,
Kollam District:
(By Sri L.S. Sunil, Advocate)

AWARD

This industrial dispute has been referred for adjudication to this Tribunal by the Government of India as per Order No. L-12012/147/98/IR(B-II) dated 8-3-1999.

The issue for adjudication is the following :

“Whether the action of the management of Syndicate Bank Trivandrum in denying employment to Sri. Chandra Babu, Attender of Kollam Branch is justified? If not to what relief the workman is entitled to?”

2. The contentions of the workmen are briefly as under :

The workman joined duty as a temporary attender under the management's Kollam Branch during February, 1987 after interview and appointment order dated 12-1-1987 issued by the management. He has worked in that capacity till May, 1996 on daily wage basis and from 8-6-1996 he was not engaged. During 1993 he has worked for 182 days 194 days during 1994 and 150 days during 1995. The workman was denied employment as there was no vacancy to accommodate him according to the management but other persons who were not in the Panel were engaged in several branches. He was included in the District Wise Panel on advise of the District Employment Officer and after interview held on 8-11-1985. The management informed the Assistant Labour Commissioner (Central) that on 9-4-1996 the management and union entered a settlement and as per that the workman is not eligible to be included in the two District Wise Panels prepared for filling up regular/leave vacancies. The management has thus taken a wrong view. That settlement is regarding absorption as regular attenders and not for terminating temporary workman like him. He is a member of Scheduled Caste aged 40 years and hence unable to get any other employment. The denial of employment of the workman is wrong, arbitrary and illegal. According to him he is entitled to get employed as Attender with effect from June, 1996.

3. The management resists the claim of the workman. The contentions of management are briefly as under : This industrial dispute is not maintainable either in law or on facts.

The Kollam Branch of the management was utilising the services of the workman since 1987, after including in the Panel prepared for appointment as temporary Attenders in the leave vacancies of regular Attenders. He has worked for 43 days in the year 1987, 29 days in 1992, 182 days in 1993, 194 days in 1994, 150 days in 1995, and 41 days in 1996. In pursuance of Government of India Approach Paper 1990, a Memorandum of Settlement was signed between the management and the Syndicate Bank Employees Union on 9-6-1996. As per that settlement the management has prepared two types of District Wise Panels such as (1) candidates who have worked for 240 days or more in a consecutive period of 12 months during any period between 1-1-1982 and 31-12-1989. (2) Candidates who have worked for 90 days or more between 1-1-1982 and 31-12-1989 but not figured in the list referred above. The above norms have become the basis for future appointments and for filling up temporary appointments in regular/leave vacancies. Since the workman did not work for 90 days between 1982 and 1989, his name did not fall within the prescribed norms as per the settlement and hence the management discontinued his services. The Supreme Court has referred the moralities suggested by the Government of India through approach paper, 1990 in the matter of appointment of temporary/permanent Attenders for inclusion of names of candidates in the Panel. The management has followed the guide lines of the Government of India and acted as per the subsequent settlement. The denial of employment to the workman is strictly in conformity with in the terms of settlement.

4. The evidence consists of both oral and documentary. The workman examined himself as WW1 and Exts. W1 to W4 have been marked on his side. The management examined two of their officers as MW1 and MW2. Exts. M1 to M8A have been marked on their side.

5. The workman is claiming re-instatement in service contenting that he was denied employment by the management with effect from 8-6-1996. Admittedly the workman was employed by the management as temporary attender on inclusion of his name in the panel prepared for appointment as temporary attenders in the leave vacancies of regular attenders at the Kollam branch. His name was sponsored by the Employment Exchange and he was included in the panel after interview by the management on 8-11-1985. He had joined duty during February, 1987 as per the appointment order dated 12-1-1987. According to the management the workman was not engaged from 8-4-1996 as a result of Ext. W4 settlement arrived at between the management and Syndicate Bank Employees Union in pursuance Government of India approach paper

1990. It is pertinent to note the first term of Ext. M4 which states that this settlement shall be in supersession of all earlier settlements/understandings in the matter of absorption of temporary attenders. As per the terms of W4 settlement the management has prepared two types of district wise panels for filling up temporary appointments in regular/leave vacancies arising at various branches. The witnesses examined on the side of the managements MW1 and 2 have explained the details of such settlement and the preparation of aforementioned panels. As per the term of settlement one panel consists of candidates who have worked for 240 days or more in a consecutive period of 12 months during any period between 1-1-1982 and 31-12-1989 and the second panel consists of candidates who have worked for 90 days or more between 1-1-1982 and 31-12-1989 but not figured in the list referred above. On going through the settlement and evidence of management the above norms have become the basis for future appointments and for filling up temporary appointments. As per Ext. M1 series attendance registers and M6 list submitted by the management the workman has worked 43 days in 1987, 29 days in 92, 182 days in 1993, 194 days in 1994, 150 days in 1995 and 41 days in 1996. Since the workman has not completed the number of working days between 1-1-1982 and 31-12-1989 and thus failed to satisfy the criteria as per the terms of WW1 settlement, his name was not included in Ext. M4 district wise list of candidates for the post of temporary attenders prepared by the management in terms of the above settlement. As the workman was not eligible for continued engagement, the management has not engaged him from 8-4-1996 onwards. It is thus clear that the action of management in proper and justified.

6. According to the learned counsel for the workman, the workman had worked more than 240 days in a consecutive year and the management has arbitrarily and illegally denied him employment on misinterpreting Ext. W4 settlement. The further argument is that Ext. W4 settlement is regarding regular absorption and not prohibited appointment of temporary attenders like the workman. As per Ext. M1 series the workman has not completed 240 days or 90 days of work between the period stipulated in the settlement. Though it is contended that the workman had worked several days without signing attendance register, but signing vouchers, this contention has not been substantiated by adducing any evidence. The management was not even called upon to produce any such vouchers allegedly signed by the workman. On the other hand the management witnesses have categorically deposed that the management has not made any such employment on signin

voucher. There are absolutely no reasons to disbelieve these officers of the management. Therefore the contention that the workman has worked 240 days during the relevant period or other years is only to be rejected as false.

7. The management has brought to notice of this Tribunal a decision of the Supreme Court in Syndicate Bank and others V. Shankar Paul and others (1997-2 LLJ 814) where in the court has considered a similar question as involved in the instant case. The Supreme Court in paragraph 8 of the judgement has referred the relevant portion of the approach paper, 1990 of the Government of India mentioned earlier with regard to temporary employees. In para 9 of the Judgement the Court has stated about the notice issued from the Zonal Office of the Management to some branches in 6 states on the basis of the approach paper. In that notice it is specially stated to prepare a list/panel of persons who have worked on temporary basis for future vacancies (Temporary/Permanent)/(underlining supplemented). In the instant case also the management has entered in to Ext.M4 settlement with union and prepared Ext.M4 district wise panel on the basis of the approach paper of Government of India which definitely covers Temporary Vacancies as well. So the contention that Ext.W4 settlement covers only persons for regular absorption and not temporary employment of the workman is without force.

8. The Supreme Court in the decision mentioned above considered the question of appointment of temporary employees and held that employees to secure temporary appointment based on temporary panel cannot claim right for permanent absorption ignoring the persons included in the panels prepared on the basis of the approach paper in the Government of India. The question considered by the Supreme Court and the question before this Tribunal are not exactly similar. However the above observation of the Apex Court fully support the view which I have taken above.

9. There is yet another contention on behalf of the workman. He has deposed that one Sri. Appukuttan and Smt. Santhamma are even now working as temporary employees and he was denied employment after the above two persons were appointed by the management. But he pleaded ignorance about the basis on which these two are employed. So this contention is vague and does not merit consideration. However the management has proved through Ext.M2 and M3 documents and the deposition of MW1 that Smt. Santhamma was appointed on compassionate ground since her husband who was a permanent staff of the

management was found missing. MW1 has categorically deposed that the management has not made any appointment in violation of Ext.M4 settlement. This statement is not controverted by the workman by adducing any evidence. Hence this contention of the workman also fails.

10. In the light of the above discussion, an award is passed holding that the action of the management of Syndicate Bank, Trivandrum in denying employment to the workman Sri. Chandra Babu is justified and hence he is not entitled to any relief in this reference.

C.N. SASIDHARAN, Industrial Tribunal
Appendix

Witness examined on the side of the workman.
WW1-Sri. G. Chandra Babu

Witnesses examined on the side of the management.
MW1 - Sri P.T. Thomas

MW2 - Sri P. Gopinath

Documents marked on the side of the workman
Ext. W1- Order issued to the workman from the management dated 12-1-1987:

Ext. W2	Letter issued to the workman from the management dated 28-10-1985.
Ext. W3	Copy of letter given to the Assistant Labour Commissioner (Central) by the manager dated 20-5-1998.
Ext. W4	Copy of Memorandum of settlement arrived at between the management and Syndicate Bank Employees' Union on 9-4-1996,

Documents marked on the side of management :

Ext. M1	Series (13 Nos.) Attendance Registers of Kollam branch of management for the period from 1-1-1987 to 31-12-1999.
Ext. M2	Office copy of appointment order issued to Smt. Santhamma from the management dated 27-9-1996.
Ext. M3	Letter issued to Kollam branch of management bank from their Zonal Office, Trivandrum dated 27-9-1996.
Ext. M4	Photostat copy of District wise list of candidates prepared by the management dated 10-12-1997 for the post of Temporary Attenders.
Ext. M5	Photostat copy of calculation chart showing salary arrears paid to the workman for the period from 1992 to 1995.

Ext. M6 Photostat copy of list showing the number of days marked by the workman under the management as per Muster rolls for the period from 1987 to 1996.

Ext. M7 Photostat copy of letter issued to Kollam branch from the Zonal Office of management dated 22-4-1993.

Ext. M8 Photostat copy of letter issued to Zonal Office from Kollam branch of management dated 13-5-1993.

Ext. M9A Photostat copy of calculation sheet showing the amount of bonus paid to the workman for the year 1987.

नई दिल्ली, 20 दिसम्बर, 2002

का.आ. 228.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधतान के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय चैन्सी के पंचाट (संदर्भ संख्या 730/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-02 को प्राप्त हुआ था।

[सं. एल-12012/177/99-आई.आर. (बी-II)]

सौ. गंगाधरण, अवर सचिव

New Delhi, the 20th December, 2002

S.O. 228.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 730/2001) of the Central Government Industrial Tribunal-cum-LC, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 19-12-2002.

[No. L-12012/177/99-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 25th November, 2002

PRESENT : K. KARTHIKEYAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 730/2001
(Tamil Nadu Principal Labour Court CGID No. 388/99).

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act 1947 (14 of 1947), between the Workman Sri N. Sekar and the Management of Indian Bank, Chennai North).

BETWEEN

Sri N. Sekar —I Party/Workman
AND
The General Manager, —II Party/Management
Indian Bank, Chennai.
Appearance :
For the Workman M/s. Row & Reddy &
Mr. S. Satishkumar,
Advocates.
For the Management M/s. Aiyar & Dolia &
N. Krishnakumar,
Advocates.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No. L-12012/177/99/IR (B-II) dated 11-11-1999.

2. This reference has been made earlier to the Tamil Nadu Principal Labour Court, Chennai, where the same was taken on file as CGID No. 380/99. When the matter was pending enquiry in that Principal Labour Court, the Government of India, Ministry of Labour was pleased to order transfer of this case also from the file of Tamil Nadu Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Tamil Nadu Principal Labour Court, this case has been taken on file as I.D. No. 730/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 15-10-2001 with their respective parties and to prosecute this case further. Accordingly, the learned counsel on either side along with their respective parties have appeared and filed their respective Claim Statement and Counter Statement. The Xerox copies of the documents were also filed on either side.

Upon perusing the Claim Statement, Counter Statement, the reply statement filed by the I Party/Workman, the oral and documentary evidence let in on the side of the I Party/Workman and documentary evidence let in on the side of the II Party/Management, the other material papers on record, after hearing the arguments advanced by the learned counsel on either side, and this matter having stood over till this date for consideration, this Tribunal has passed the following :

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :

"Whether the action of the management of Indian Bank in terminating the services of Sri N. Sekar w.e.f. 23-9-97 is justified ? If not, to what relief is he entitled to ?"

2. The averments in the Claim Statement of the I Party/Workman Sri N. Sekar (hereinafter refers to as Petitioner) are briefly as follows :

The petitioner joined the services of the II Party/Management Indian Bank (hereinafter refers to as Respondent) on 31-12-1991 as subordinate staff in a permanent vacancy. From 1991 to till his termination dated 23-9-97 he was given regular work continuously. At the end of 1993 he had completed 480 days of continuous service in two successive years i.e. in 1992 and 1993 altogether he had completed 564 days of service including Sundays and National and Festival holidays as such he is deemed to have rendered continuous service as per Section 25B of the Industrial Disputes Act, 1947. From 1991-1997 he had worked for 1739 days continuously without any service break. He has worked 15 days in 1991, 286 days in 1992, 278 days in 1993, 281 days in 1994, 311 days in 1995, 333 days in 1996 and 235 days in 1997 and as a total number of 1739 days in the Respondent/Bank. The Petitioner was under the bonafide impression that his services will be regularised, since he had completed 480 days in 24 calander months as early as in the year 1993. The action of the Respondent/Bank in retrenching the services of the Petitioner will amount to non-compliance of Section 25G of the Industrial Disputes Act, 1947. The action of the Respondent in continuing the concerned workman till the date of termination without regularisation is an unfair labour practice. Clause 10 of the V Schedule of the Industrial Disputes Act, 1947 prohibits employment as a temporary staff for the year together is an unfair labour practice. He was not terminated on account of any misconduct. No charge sheet was issued and no enquiry was conducted. He is 30 years old and he is the bread winner of the family. It is very difficult to get an alternative employment at this age particularly in a bank. Hence, it is prayed that this Hon'ble Court may be pleased to hold that action of the Respondent in not regularising the services of the Petitioner, but terminating his services w.e.f. 23-9-97 is illegal, arbitrary, malafide and colourable exercise of power and set

aside the termination and consequently direct the Respondent/Bank to reinstate the Petitioner in service w.e.f. 23-9-97 with back wages and all attendant benefits and award costs.

3. The averments in the Counter Statement filed by the II Party/Management Indian Bank (hereinafter refers to as Respondent) are briefly as follows :—

It is not true that Sri Sekar joined the bank in sub-staff cadre that too in a permanent vacancy. The engagement of Sri Sekar itself was unauthorised and his engagement was unauthorisedly done at the branch level without the approval and sanction of the higher authorities. The engagement of Sri Sekar was as already stated unauthorised and he was never engaged in any permanent vacancy as falsely alleged in the Claim Statement. The engagement of Sri Sekar unauthorised and not as per norms. In the bank, the personnel engaged as sub-staff are either recruited on permanent basis or as temporary sub-staff in the case of leave of permanent sub-staff. In both the cases, the Respondent/Bank has been having a system of maintaining a panel of sub-staff on temporary basis, after following the necessary selection procedure. The engagement of the empanelled sub-staff has been on day to day basis and for such employment wages are paid on daily basis. Sri Sekar was never in this panel. Admittedly, he having passed VIII standard he is not qualified for being employed as a casual sub-staff, the maximum qualification appointment as sub-staff in the Respondent/Bank being VII standard. The engagement of the Petitioner itself is unauthorised. Hence, he is not governed by Bipartite Settlement which governs the services of bank employees. The Respondent/Bank is a Government of India undertaking and is bound by the guidelines and policies issued by the Government of India from time to time. All the policies regarding recruitment and placement of personnel are based on the guidelines and policies of the Government of India and also the settlement entered into with recognised unions. The mere fact that he was engaged purely on casual basis does not give him a right to employment. As early as on 30-9-78 the Ministry of Finance, Department of Economic Affairs, under whose control the Respondent/Bank is functioning directed that no person should be engaged irrespective of the capacity either permanent or temporary without being duly sponsored by Employment Exchange. The Respondent/Bank in 1983, duly following the procedure has set out norms for engaging temporary sub-staff in the leave vacancies through the maintenance of a panel. For the

empanelment of temporary sub-staff, the candidates sponsored by the Employment Exchange are interviewed by the Regional Manager as per the norms given by the Ministry of Finance. Only after getting approval of the Zonal Manager the competent authority the selected candidates are empanelled. As it was against the policy of Government of India the unauthorised casual engagement of Sri Sekar was stopped. The question of issue of charge sheet etc. which is mandatory as per the Bipartite Settlement does not therefore arise. Sri N. Sekar was never engaged on any permanent basis but it was only on day to day basis. His engagement was unauthorisedly done at the branch level without the approval and sanction of the competent authority viz Zonal Manager, Chennai. Hence the question of engaging him on permanent basis does not arise. His engagement being a casual one, that too on day to day basis the allegation that he had worked for 240 days in a year and also 480 days within the period of 24 months has no relevance and the same does not confer any right on him to make any claim into the services of the bank. The unauthorised engagement of the Petitioner does not give him any right to be engaged and further there is no inherent right in the petitioner to be continued in engagement. The allegation as to unfair labour practice is denied. Admittedly, the petitioner was not in the regular fold of the bank. On the other hand, he was not unauthorisedly engaged. Thus, he was not holding any post from which it could be said he was retrenched. therefore the provisions of Section 25F of the Industrial Disputes Act, 1947 are not attracted. The misconceived claim made by the Petitioner in this behalf is contrary to the decision of Supreme Court reported in 1997 LIC pg. 2075. Absorption in permanent service on the ground of social justice is not sustainable as the initial engagement itself was not legal and proper. The Reserve Bank of India by its letter dated 12-8-96 instructed the Respondent/Bank not to resort to fresh appointment in all cadres. In view of the ban imposed by the RBI, the Respondent/Bank is not in a position to recruit any fresh employees. For the reasons stated above, the petitioner's engagement being casual in nature cannot stake claim for regularisation as sub-staff and his disengagement is legal, valid and justified. In the circumstances, it is prayed that this Hon'ble Court may be pleased to reject the reference by dismissing the claim of the Petitioner.

4. The Petitioner has filed reply statement. The averments in the same are as follows :—

During the period, the Petitioner was engaged in the Respondent/Bank, he was employed in Anna Nagar branch and the petitioner was working between 8.30 a.m. to 6.30 p.m. The petitioner has filed Xerox

copy of the wage register maintained for the Petitioner by the bank. This wage register shows the number of days the petitioner was employed by the Respondent/Bank and the wages paid to him. The Petitioner was awarded by the management for his meritorious service. The Petitioner was in continuous service and had worked on all banking days. He was paid wages for Sundays and National Festival Holidays. The break if any, given by the bank is artificial. The petitioner is deemed to have attained permanent status as per the Tamil Nadu Industrial Establishment (Conferment of permanent Status to Workman Act) 1981. This act applies to Respondent/Bank as there is no exemption given under section 9A. Class IV employees need not come through Employment Exchange. The Petitioner is a Class IV employee (sub-staff) doing office work. Admittedly in this case, no retrenchment compensation was paid. Therefore, it is prayed that this Hon'ble Tribunal may direct the Respondent to reinstate the Petitioner in service with full back wages and other benefits or the Court may direct the Respondent to compensate the Petitioner for the loss of his Employment with the bank with adequate compensation for the loss of Petitioner's future employment.

5. When the matter was taken up for enquiry finally, the Petitioner himself has examined as a witness WW1 and five documents were marked on the side of the I Party/Workman by consent as Ex. W1 to W5. No one has been examined as a witness for the II Party/Management. Five documents filed on the side of the II Party/Management were marked by consent as Ex. M1 to M5. Learned counsels on either side have advanced their arguments.

6. The Point for my consideration is—

“Whether the action of the management of Indian Bank in terminating the services of Sri N. Sekar w.c.f. 23-9-97 is justified ? If not, to what relief is he entitled ?”

Point :—

The Petitioner has raised this industrial dispute challenging the action of the Respondent/Management Indian Bank in terminating the services of the Petitioner w.c.f. 23-9-97 as unjustified. It is the contention of the Petitioner in his Claim Statement that as well as his oral evidence as WW1 that he was employed as a temporary sub-staff in the Anna Nagar branch of the Respondent/Indian Bank from 13-12-91 to 23-9-97 and that he was paid wages of Rs. 54.23 per day and the said wages used to be credited in the S.B. account he was having in the bank for the days he worked. Ex. W1 is the bio data of the Petitioner (Xerox copy) dated 17-7-92 given by the bank branch mentioning the total number of days he worked from 13-12-91 to 17-7-92 at Anna Nagar branch of the Respondent/Bank. Ex. W4 is the xerox copy of the

S.B. account pass book of the Petitioner for his account No. 17299. Ex.W5 is the xerox copy of statement of accounts for the S.B. Account No. 17299 of the Petitioner from 15-12-91 to 27-12-95 and 7-1-96 to 23-9-97. It is the further contention of the Petitioner that from 1991 to 1997 he had worked for a total period of 1739 days and since he had completed 480 days in 24 calendar months as early as in 1993, without regularising his services retrenching him from service without the compliance of the Section 25G of the Industrial Disputes Act, is illegal and it has to be set aside and consequently the Respondent/Bank have to be directed to reinstate him in service w.e.f. 23-9-97 with back wages. But it is the contention of the Respondent/Management in their Counter Statement that the engagement of the Petitioner Sri Sekar was unauthorised and not as per norms and that the Respondent/Bank is having a system of maintaining a panel of sub-staff on temporary basis after following the selection procedure and that the engagement of empanelled sub-staff has been on day to day basis and for such employment, wages are paid on daily basis and that Sri Sekar was never in that panel and he having passed VIII standard is not qualified for being employed as a casual sub-staff, since the maximum qualification for appointment as sub-staff in the Respondent/Bank is VII standard. It is further alleged that the engagement of the Petitioner itself is unauthorised. He is not governed by Bipartite Settlement which governs the services of the bank employees. Since the Petitioner was engaged purely on casual basis, it does not give him a right to the employment and it is their further contention of the Respondent/Bank that the Petitioner had worked for 240 days in a year and also 480 days within a period of 24 months has no relevance and the same does not confer any right on him to make any claim into the services of the bank and that the unauthorised engagement of the Petitioner does not give him any right to be engaged any further and there is no inherent right in the Petitioner to be continued in the engagement and thus, as he was not holding any post from which it could be said he was retrenched, the provisions of Section 25F of Industrial Disputes Act, 1947 are not attracted. In the cross examination of WW1 the Petitioner has admitted that he was not issued any appointment order to join the bank in the sub-staff cadre. It is his further admission that on the guidance of a Head Peon Mr. Thiagarajan, who was working in Anna Nagar branch of the Respondent/Bank he went and met the Chief Manager and he engaged him as a temporary sub-staff and that he had not registered his name in the Employment Exchange and that he was not called for employment in the permanent vacancy through Employment Exchange and he does not know as what is the required educational qualification

for the post of sub-staff in the Respondent/Bank and that he had passed VIII standard. It is also his admission that he was not engaged as a temporary sub-staff in the Respondent/Bank as per recruitment rules. He has also filed two documents as Ex.W2 and W3, copy of the internal correspondence dated 1-3-97 and 11-3-97 respectively between the Zonal Office and the Anna Nagar branch of the Respondent/Bank. Under Ex.W2 the Chief Manager of Anna Nagar branch of Indian Bank has been informed about the instructions given earlier to the branches to desisting the practice of engaging personnel unauthorisedly and to sent a reply in respect of any unauthorised engagement of personnel in Anna Nagar branch. Under Ex.W3 the Branch Manager of Anna Nagar has sent a reply to Zonal Office stating that Mr. Sekar is being engaged in their office in 11-7-91 and the matter has already been informed to the Regional Office and they once again furnish the details in the annexure. So from all the oral evidence as well as documentary evidence on the side of the Petitioner, it is seen that the Petitioner was engaged as a temporary sub-staff unauthorisedly by the Manager of the bank and the Petitioner was not employed in the permanent vacancy as per the procedure for recruitment of sub-staff in the Respondent/Bank. He was neither given any appointment order nor any order for disengaging him from service.

7. The learned counsel for the Respondent/Management had argued that the Petitioner has been engaged as a casual sub-staff by the local Branch Manager of the Respondent/Bank and on that basis of employment, the Petitioner makes a demand with the Respondent/Management that he must be employed as sub-staff of the bank branch and his services should be regularised. He would further contend that the Petitioner was engaged only as a employee for daily wages in the leave vacancies when the regular employees go on leave and he was not engaged by the bank branch for a continuous employment and he was not appointed by the competent authority and the concerned workman had not under went the selection process as per the banking services rules and recruitment procedures. The concerned workman has not been sponsored by Employment Exchange because the bank has not requested the Employment Exchange to sponsor his name and the engagement of the Petitioner was purely on casual basis and that the Petitioner has not proved with acceptable evidence oral or documentary his plea mentioned in the Claim Statement that he has joined the services of the Respondent/Bank as subordinate staff in a permanent vacancy. This argument advanced by the learned counsel for the Respondent/Management is acceptable on the basis of the admission made by the Petitioner Workman as WW1 and the documents filed by him as Ex. W2

and W3. Further, Ex W2 and W3 establish that the engagement of the Petitioner in the Respondent/Bank, Anna Nagar Branch was only an unauthorised engagement by the Branch Manager of the bank against the instructions given by the Respondent/Bank Administration in Zonal Office.

8. He would further argue that the Supreme Court in a case reported as AIR 1994 SC 1808 J & K PUBLIC SERVICES Vs. Dr. NARENDER MOHAN has held that "long period of ad-hoc employment will not entitle an employee for regularisation. They have got to compete along with others and that if persons have to be regularised ignoring rules and qualifications, it will amount to a third mode of selection, which is not permissible". And the said Supreme Court judgement is applicable to the present case and the same has been followed by the Madras High Court in a case reported as 2002 II LLJ 1006 PERAMBALUR SUGAR MILLS EMPLOYEES UNION LTD. AND ANOTHER Vs. PERAMBALUR SUGAR MILLS LTD. AND ANOTHER. This argument of the learned counsel for the Respondent/Management is acceptable as correct.

9. The Respondent/Indian Bank Management, Personnel Department at the Head Office, Madras sent a circular dated 4-3-83 to all the branches mentioning the norms relating to engagement of persons during the leave vacancies as sub-staff. The xerox copy of that circular is Ex. M2. In that the minimum qualification for engaging a sub-staff in the leave vacancy has been mentioned as pass in V Standard and maximum qualification as pass in VII Standard. As per this norms, the concerned workman's maximum educational qualification must be pass in VII Standard. But the Petitioner in his oral evidence as WWI and also in his Ex. W1 has mentioned that he has passed VIII standard. It is the contention of the Respondent/Management that for being employed as a sub-staff the maximum qualification as per the norms of the Respondent/Bank is VII Standard and since the concerned workman has passed VIII Standard, he is ineligible for being considered to be engaged as a sub-staff even on casual basis. The learned counsel for the Respondent/Management had argued that even the provisions of Bipartite Settlement do not attract this concerned workman, since the concerned workman is not in the panel of temporary sub-staff. As per that settlement, the persons who were engaged without being sponsored by Employment Exchange and worked for 90 days or more during the period 1-1-82 to 31-12-89 as a one time measure and if the persons are found suitable for selection, they may be taken back in the panel for being engaged in the leave vacancies of sub-staff, subject to necessary approval being obtained from Director General of Employment &

Training. As per this term in the settlement, the concerned workman must be found suitable for selection for empanelment of temporary sub-staff. As stated earlier, his educational qualification is more than the maximum prescribed for the sub-staff. By engaging over-qualified persons like the concerned workman for the temporary sub-staff post, the benefits available to the persons who have educational qualification from V standard to VII standard have been deprived. So, from all these things, it is seen that the engagement of the concerned workman by the Respondent/Bank as a casual employee on day-to-day basis for more than 240 days in all the years commencing from 1991 onwards is only an unauthorised one. On that basis, the Petitioner cannot claim it as a right for absorbing him in the vacancy of a permanent sub-staff in the Respondent/Bank. Further, as it is stated in the Counter Statement of the Respondent/Management, the provisions of Bipartite Settlement referred to in the Claim Statement of the Petitioner has no application to his case and those clauses apply only to such of those persons who have been engaged as temporary sub-staff from the panel made by the bank in accordance with settlement entered into by the banks with the recognised unions and with candidates sponsored by Employment Exchange. As it is rightly contended by the Respondent/Management, the question of giving preference to the concerned workman in the matter of filling permanent vacancy, if any, does not arise. It is the definite contention of the Respondent/Bank that subsequent to that settlement, the bank has been following only the directives and guidelines issued by the Government of India from time to time. In support of the same, the xerox copy of the Government of India guidelines and circulars issued by the bank have been filed as exhibits Ex. M1, M2 and M3. So, from this it is seen that the Petitioner/Workman was neither in the temporary sub-staff panel nor sponsored by Employment Exchange. Therefore, the question of giving preference while filling permanent vacancies provided under para 20. 12 of Bipartite Settlement does not arise. Hence for providing employment to the Petitioner/Workman by giving preference to him does not arise. For invoking the said clause of the Bipartite Settlement, the petitioner/Workman should have been in the temporary panel of sub-staff or he should have been brought into the panel through Employment Exchange. Since he has not come under that category the claim of the Petitioner/Workman cannot be taken as correct in pursuance of the provisions under para 20.12 of Bipartite Settlement. As it is contended by the Respondent/Bank, since the Petitioner/Workman has been engaged on a casual basis, that too on day-to-day basis, his allegation in the Claim Statement that he had worked for 240 days in a year and also 480 days within a period of 24 months does not con-

fer him any right to claim regularisation or absorption into the services of the bank. As it is seen from the available materials, the Petitioner/Workman was never appointed by the Anna Nagar Branch Manager of the Respondent/Bank to any particular post of sub-staff and he was engaged on casual basis that too intermittently. So under such circumstances, the question of invoking Section 25F of the Industrial Disputes Act, 1947 does not arise. So, it cannot be contended that the management of Indian Bank is unjustified in not engaging him further for the services of bank branch at Anna Nagar. It is not disputed that the Respondent/Bank is a public sector bank and it is bound to adhere to the guidelines issued by the Government of India in regard to the engagement of temporary sub-staff. Admittedly, the concerned workman has not been engaged by the Respondent/Bank as per their recruitment rules and he had not undergone any selection process as per Banking Service Rules. It is specifically stated in the Counter Statement of the Respondent/Bank that it has been having a system of maintaining a panel of temporary sub-staff to work in the vacancies of permanent sub-staff going on leave in branches attached to the Zonal Office and that the engagement of empanelled sub-staff has been on day-to-day basis and as such casual employees are paid daily wages and that such engagement on day-to day basis comes to an end at the close of the day and that the concerned workman was never in the panel of temporary sub-staff. All these specific averments in the Counter Statement of the Respondent have not been denied as incorrect. It is also not disputed that the ban on recruiting sub-staff is still in force. It is observed by the Hon'ble Supreme Court of India in a case reported as 1992 2 LLJ SC pg. 452 DELHI DEVELOPMENT HORTICULTURE EMPLOYEES & UNION Vs. DELHI ADMINISTRATION DELHI OTHERS that "we may take note of the pernicious consequences to which the direction for regularisation of the workman on the only ground that they have put in work for 240 or more days has been leading. Although, there is Employment Exchange Act which required recruitment on the basis of registration in the Employment Exchange, it has become a common practice to ignore the Employment Exchange and the persons registered in the Employment Exchanges and to employ and get employed directly those who are either not registered with the Employment Exchange or who though registered are lower in the long awaiting list in the employment register. The courts can take judicial notice of the fact that such employment is sought and given directly for various illegal considerations including money. The employment is given first for

temporary periods with technical breaks to circumvent the relevant rules and is continued for 240 or more days with a view to give benefit of regularisation knowing the judicial trend that those who have completed 240 or more days are directed to be automatically regularised. A good deal of illegal employment marked has developed resulting in a new source of corruption and frustration of those who are waiting at the Employment Exchanges for years. Not all those who gain such back door entries in the employment are in need of the particular jobs. Though already employed elsewhere, they join the jobs for better and secured prospects. That is why, most of the cases which come to the Court are of employment in Govt. departments, public undertakings or agencies." This observation of the Supreme Court in the above mentioned case is squarely applicable to the facts of this case. It is held by the Calcutta High Court in a case reported as 1999 II 1173 CALCUTTA TRAMWAYS COMPANY LLJ 1978 AND OTHERS Vs. RAMESH AND 17 OTHERS that "an appointment to a permanent service must be made in terms of recruitment rules for the said purpose, there must exist a vacancy. The person appointed through backdoor i.e. not in conformity with the rules could not claim permanency in service. Absorption in permanent service on the ground of social justice is not sustainable." This decision of the Calcutta High Court in the above cited case also is squarely applicable to the present case. In the present case also, the petitioner/Workman who has not been appointed to a permanent service in terms of recruitment rules. So in view of his engagement as casual employee in the Respondent/Bank on daily wage basis for number of days cannot confer on him any right to claim absorption as a permanent sub-staff of the Respondent/Bank. The Supreme Court has held in a case reported as 1992 (2) SCC 1999 that "mere completion of 240 days does not entitle a person to regularisation and that the absorption can only be as per the scheme". Hence, the action of the Respondent/Management Indian Bank in disengaging Sri N. Sekar w.e.f. 23-9-97 at Anna Nagar Branch of the Respondent/Bank is proper and justified. Hence, the concerned workman is not entitled to any relief.

10. In the result, an Award is passed holding that the claim of the I Party/Petitioner Sri N. Sekar cannot be granted against the II Party/Management Indian Bank. No Cost. (Dictated to the Stenographer, transcribed and typed by him, corrected any pronounced by me in the open court on this day the 25th November, 2002).

K. KARTHIKEYAN, Presiding Officer

Witness Examined :

For the I Party/Workman : Sri N. Sekar WWI
 For the II Party/Management : None

Documents Exhibited :—

For the I Party/Workman :

Ex. No.	Date	Description
W1	17-07-92	Xerox copy of the bio data of the Petitioner given By Respondent
W2	01-03-97	Copy of the internal correspondence of Respondent
W3	11-03-97	Copy of the internal correspondence of Respondent/Bank
W4	Nil	Original S.B. passbook of Petitioner—A/c. No. 17299
W5	Nil	Xerox copy of the statement of accounts pertaining To the S.B. account of Petitioner.

For the II Party/Management :—

Ex. No.	Date	Description
M1	30-09-78	Xerox copy of the instructions issued by Government of India to all banks.
M2	04-03-88	Xerox copy of the circular issued by Head Office of Indian Bank with regard to norms for engagement of Sub-staff
M3	16-08-90	Xerox copy of the instructions issued by Government of India, Ministry of Finance to all Chief Executives of banks Regarding recruitment and absorption of temporary Employees in PSU
M4	16-07-92	Xerox copy of the settlement entered by the Indian Bank With the recognised Union
M5	26-06-96	Xerox copy of the letter issued by Reserve Bank of India To Chairman, Indian Bank.

नई दिल्ली, 20 दिसम्बर, 2002

का.आ. 229.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण/श्रम न्यायालय नं. 2, धनवाद के पंचाट (संदर्भ संख्या 84/98) को प्रकाशित

करती है, जो केन्द्रीय सरकार को 20-12-2002 को प्राप्त हुआ था।

[सं. एल-12012/353/97-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 20th December, 2002

S.O. 229.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 84/98) of the Central Government Industrial Tribunal-cum-LC No. 2, Dhanbad as shown in the annexure in the Industrial Dispute between the employees in relation to the management of Canara Bank and their workman, which was received by the Central Government on 20-12-2002.

[No. L-12012/353/97-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas,

Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 84 OF 1998

PARTIES : Employers in relation to the management of Canara Bank, Chaibasa and their workman.

APPEARANCES:

On behalf of the Shri D.K. Verma, Advocate.
 workman

On behalf of the Shri Md. Faiz Ahmed, Advocate
 employers

State : Jharkhand Industry : Banking

Dated, Dhanbad, the 4th December, 2002

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/353/97-I.R. (B-II), dated, the 31st March, 1998.

SCHEDULE

“Whether the action of the management of Canara Bank in terminating the services of Sh. Sukhen Ram from Nov., 1995 is legal and justified? If not, to what relief the said workman is entitled?”

2. The case of the concerned workman as disclosed in the W.S. submitted by the sponsoring union on his behalf is as follows:—

It has been submitted by the sponsoring union that the concerned workman was engaged as casual worker on 27-7-90 by the management of Canara Bank, Chaibasa branch. Since then the concerned workman performed his duty as Class IV employees and accordingly his wages was paid on the basis of per day. During this period the concerned workman worked for more than 240 days in each year under the management. They alleged that the management without giving him any notice terminated his service in the month of November, 1995 illegally, arbitrarily and violating the principles of natural justice. They alleged that the concerned workman though performed his duties as Class IV staff the management deprived him from his legitimate wages and other benefits and on the contrary the management paid him less wages than of the Class IV staff employees. They alleged that before termination of the services of the concerned workman the management did not give any notice under Section 25F of the I.D. Act, 1947. Accordingly they raised an industrial dispute before the ALC(C) for conciliation which ultimately resulted reference before this Tribunal for award. The sponsoring Union submitted prayer to pass award directing the management to reinstate the concerned workman in service withdrawing order of termination with full back wages and other benefits.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted on behalf of the concerned workman. The management submitted that Canara Bank is a nationalised Bank constituted by the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 having its head office at Bangalore and branches all over India. The employees of the Bank are divided into three, distinct and separate cadres viz. Officer's cadre, clerical and subordinate staff cadre. The service condition of the employees of the clerical and subordinate cadres who are popularly known as Award staff are governed by Shastri Award, Desai Award and the Bipartite settlement entered into between Indian Banks' Association and the All India Unions representing the workman. Since the subordinate staff are entitled to various categories of leave and most of the time they go on leave without prior intimation, it becomes necessary for the Bank to engage persons to work in the leave vacancy of the sub-staff cadre. There are also occasions when persons are engaged to do additional work which is of temporary nature. Under the circumstances the Bank used to engage persons only on daily wages for the above purpose. These daily wagers were

selected by the Bank from among the candidate sponsored by the Employment Exchange and after interview, suitable candidates were included in the panel or daily wagers maintained at the district level, subject to the fulfilment of other conditions such as age, qualification etc. These daily wagers are subsequently absorbed in the sub-staff cadre as and when vacancy arose and as per their seniority. Now the engagement of daily wagers has been stopped due to imposition of ban by the Govt. of India. Apart from the daily wagers as explained above sometimes Bank is also engaging coolie to do work of loading, unloading, etc. of stationary and printed items which is purely manual labour, at the Printing and Stationery Sections of Circle Offices. The work for which such coolies are engaged is purely of temporary nature and their engagement comes to an end once the work entrusted to them is completed. The coolies are paid coolie charges for the day of their engagement and they are neither daily wagers nor employees of the Bank. The service condition applicable to the permanent employees of the Bank are not applicable to the coolie since they are not the employees of the Bank. Even as per the provision of Section 2(oo)(bb) of the Industrial Disputes Act termination of service as a result of non-renewal of contract of employment does not amount to retrenchment. Since the coolies are engaged to do the particular job their contract of engagement comes to an end the moment the job entrusted to them performed/completed. Accordingly discontinuance of their engagement does not amount to retrenchment in view of the provision of Section 2(oo)(bb) of the I.D. Act, 1947. Further there is no category of post in the Bank in which the coolies can be absorbed as permanent employees of the Bank. The coolies can not be even included in the panel of daily wagers as they do not have the required eligibility criteria as detailed above and they are not sponsored by the Employment Exchange which is a pre-condition for empanelment of daily wagers. Disclosing this fact the management submitted that the claim of the concerned workman to work as Class IV employee under the management has no basis at all and for which he is not entitled to get any relief according to his prayer. In the result, the management submitted prayer to pass award rejecting the claim of the concerned workman.

4. The points to be decided in this reference are :

“Whether the action of the management of Canara Bank in terminating the services of Sh. Sukhen Ram from November, 1995 is legal and justified ? If not, to what relief the said workman is entitled ?”

DECISION WITH REASONS

5. In order to substantiate the claim, the concerned workman examined himself as witness in course of hearing as WW-1. The management in support of their claim examined one witness as MW-1. It is the contention of the sponsoring union that the concerned workman was engaged as casual worker by the management of Chaibasa branch on 20-7-90. They disclosed that though the concerned workman was engaged as casual worker he had to perform the duties like that of Class IV employees of the Bank but inspite of performing the job of Class IV the management never paid him wages according to them. They further submitted that during this period of work the concerned workman worked for more than 240 days in each calendar year. But the management without regularising his service and also without giving any notice under Section 25F of the I.D. Act, 1947 terminated him from his service in the month of November, 1995 illegally and arbitrarily and violating the principles of natural justice. WW-1 during his evidence corroborated the fact which he disclosed in his W.S. However, during his cross-examination he admitted that the management did not issue any letter of appointment while he was engaged as casual worker at Chaibasa. He also denied the fact that he was engaged as coolie by the management from time to time and received wages according to the rate fixed for the coolies. On the contrary he disclosed that during his service under the management every day he used to sign the Attendance Register of the Bank. On the contrary from the submission of the management it transpires that the employees of the Bank are divided into three distinctive and separate cadre namely officers cadre, clerical and subordinate staff cadre and the service conditions of the clerical and subordinate cadre are governed by Shastry Award and Desai Award and the Bipartite Settlement entered into between Indian Bank's Association and All India Union representing the workmen. They disclosed that as it is a practice amongst the subordinate staff to go on leave without giving any prior intimation to the management for smooth running of the Banking work it become necessary for the Bank to engage persons to work in the leave vacancy of the sub-staff cadre absolutely on temporary and daily wages basis. These daily wagers were selected by the Bank from amongst the candidates from the employment exchange and after scrutiny suitable candidates were interviewed in the panel of daily wagers at the district level, subject to fulfilment of other conditions such as age, qualification etc. These daily wagers subsequently were absorbed in the sub-staff cadre as and when vacancy arose and as per their seniority. However, that practice has been stopped due to ban imposed by the

Govt. of India. Apart from the engagement of daily wagers the management also in case of need used to engage coolies as per rate fixed to perform certain job at the printing and stationery Deptt. in Circle Offices. The work of such coolies is purely of temporary nature and their engagement comes to an end once the work entrusted to them is completed and against their work they are paid coolie charges for the days of their engagement and accordingly they are neither daily wagers nor the employees of the Bank. MW-1 during his evidence disclosed that the concerned workman was engaged as casual worker and he used to work as coolie. In the year 1994 and he worked as casual worker for 181 days and to that effect he submitted relevant papers. This witness denied the fact about the engagement of the concerned workman on daily wages basis. Disclosing the fact that the daily wagers are only engaged on the basis of the names forwarded by the Employment Exchange. The documents which the management relied on relating to performance of duty by the concerned workman during evidence of this witness was marked as Ext. M-1. From this document it transpires that the concerned workman during the year 1994 worked for 181 days. Copies of the vouchers duly certified by this witness as per Bank's book of Evidence Act during his evidence is marked as Ext. M-2. The vouchers shows the payment of daily wages to the concerned workman for the duties performed by him from time to time. This witness also denied the fact that the concerned workman was allowed to sign the Attendance Register as a regular staff. It is the claim of the concerned workman that he was engaged as casual worker with effect from 27-7-90. This witness, however, has failed to support the claim of the concerned workman because of the fact that he was engaged in the said branch in the year 1994. He submitted that during his period the wages was given to the concerned workman on the basis of number of days he worked at their branch. This witness admitted that the concerned workman was engaged for handling of records, supply of register to the staff and also for supply of drinking water during Banking hours. He also denied the fact that the banking business ought to have been hampered if the concerned workman was not engaged as casual worker. This witness categorically submitted that there was no question of giving any compensation to the concerned workman on his termination as he was not at all their employees. Therefore, considering the evidence of MW-1 it transpires clearly that he was engaged by the management as casual worker i.e. Coolie from time to time and in discharge of his duties he used to hand over the register to the staff and also he used to supply drinking water to the staff of that branch. Considering the evidence of MW-1 there is sufficient scope to say that the function of the coolie was not to

supply of drinking water or to supply register to the staff of the Bank particularly when in the W.S. categorically they disclosed why the coolies are engaged by the management and under which circumstances. As such there is reason to believe that beyond the instruction of the management the concerned workman was utilised by the branch for supply of drinking water as well as for supply of register to the staff of the Bank. However, for that reason the status of the concerned workman cannot be considered as the status of the regular employee, until and unless his claim is substantiated with cogent document. The management in the W.S. has categorically submitted the categorisation of staff employed in the Bank. They are officer cadre, clerical cadre and subordinate staff cadre. Apart from the cadre staff the management used to engage some daily wagers on the basis of the names forwarded by the Employment Exchange to carry on the work of sub-staff absolutely on temporary basis for the reasons also mentioned in the W.S. It is seen that the concerned workman was not engaged as a daily wager by the management on the basis of the name forwarded by the Employment Exchange. The management categorically submitted that the clerical and subordinate cadres who are popularly known as Award staff are governed by Shastry and Desai Award and the Bipartite Settlement entered into between the Indian Banks Association and All India Unions representing the workman. No cogent document is forthcoming before this Tribunal that the concerned workman is entitled to get his relief according to the Bipartite Settlement in question. Onus absolutely on the concerned workman to establish that he started working under the management from July, 1990 and worked till November, 1995 and during this period he worked for more than 240 days in each calendar year. Therefore, question of giving notice under Section 25F of the I.D. Act comes in on fulfilment of certain conditions which are enumerated in the Act itself. In course of hearing the concerned workman has failed to substantiate this fact. It is the specific claim of the management that the concerned workman was engaged as coolie to carry on certain work as he was never engaged as casual worker because there was no scope at all to engage casual worker violating the settlement. I have carefully considered the evidence of the concerned workman and also his pleadings but I have failed to find out any material ingredient relying on which there is scope to say that he was engaged as casual worker by the management and he worked for more than 240 days in each calendar year. As such I hold that there was no scope on the part of the management to serve notice under Section 25F of the I.D. Act, 1947 before discharging the concerned workman from his work. The management has clearly assigned under which circumstances they were in a position to engage a daily wagers

under the status of coolies. They submitted further that as the nature of job was absolutely temporary there was no scope of keeping the daily wagers to remain in work continuously and for which they were not under any obligation to serve any notice under Section 25F of the I.D. Act before discharging him from service. In support of this claim the management also relied on the decision reported in Vol. 2 LLJ 1998 page 15. In the said decision Their Lordship observed that when the workman were not appointed to the post in accordance with rules but were engaged on the basis of the need of the work they should be considered as temporary employees working on daily wages. Accordingly their disengagement from service cannot be construed to be retrenchment under the I.D. Act. The concept of retrenchment therefore cannot be stretched to such an extent as to cover these employees. Since they were daily wages employees they have no right to the post and their disengagement is not arbitrary. Referring the decision learned Advocate for the management submitted that the concerned workman was not engaged as casual worker in accordance with the rules but were engaged on the basis of the need of the work and accordingly they had no obligation to keep him in service and to regularise him as sub-staff and for which his disengagement from the work was neither illegal nor arbitrary and therefore, the question of violating the principles of natural justice did not arise at all. After careful consideration of all the facts and circumstances I hold that the representative of the concerned workman has failed to substantiate all the materials to show that the concerned workman was appointed as casual worker according to the rules and procedure maintained by the management and inspite of his engagement he was illegally retrenched from his service. The representative of the concerned workman has failed to produce a single scrap of paper to show that the concerned workman either received any letter of appointment for his work issued by the management or he worked for more than 240 days during the period of his work. As the representative of the concerned workman has failed to substantiate all the materials ingredients I find no scope to wipe out the claim of the management. I do not find any reason to say that the management by disengaging the concerned workman from work committed any illegality or it violated the principles of natural justice. In the result, the following Award is rendered :

“The action of the management of Canara Bank in terminating the services of Sh. Sukhen Ram from November, 1995 is legal and justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 20 दिसम्बर, 2002

का.आ. 230.—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल.आई.सी. ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकरण/थ्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 8/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-2002 को प्राप्त हुआ था।

[सं. एल-12025/8/2002-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 20th December, 2002

S. O. 230.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 8/2002) of the Central Government Industrial Tribunal Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 19-12-2002.

[No. L-12025/8/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present :

Shri E. ISMAIL Presiding Officer

Dated the 30th day of November, 2002
INDUSTRIAL DISPUTE L.C.I.D. No. 8/2002
BETWEEN :

Sri A. Appa Rao,
S/o Narayana,
50-60-18, Rajendranagar,
Seethampeta Bazar,
Visakhapatnam. १. Petitioner

AND

1. The Senior Divisional Manager,
L.I.C. of India, Visakhapatnam Division,
Office, L.I.C. Buildings, Jeevank Prakash
Road, Visakhapatnam-4.
2. The Zonal Manager, L.I.C. of India,
South Central Zonal Office,
Hyderabad.

3. The Chairman, L.I.C. of India,
Central Office, Jeevan Bheema Building,
Mumbai. .. Respondents

APPEARANCE :

For the Petitioner : M/s. A. Srinivas, and A. V. Aruna Kumari, Advocates

For the Respondent : M/s K. Srinivasa Murthy, V. Umadevi & C. Vijaya Shekar Reddy, Advocates

AWARD

This is a case taken under Sec. 2 A (2) of the I. D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Brief facts as stated in the petition are : That the Petitioner was appointed as a sub-staff to do any one of the jobs like watchman, lift operator or water boy on temporary basis on daily wages at the rate of Rs. 9/- per day in the month of April, 1981. And continued in service upto 20th April, 1983. That on 20th April, 1983 a case was registered against this Petitioner and six others in Two Town Crime Police Station, Visakhapatnam for the offence under Sec. 468, 471, 474 and 420 of the Indian Penal Code. However the Petitioner was arrested and released on bail. He was not permitted to work with the Respondent thereafter. After the complete investigation in the case having been done by the police, a charge sheet filed approximately six years later. In the year 1989 which was numbered as CC No. 442/89 of 5th Metropolitan Magistrate, Visakhapatnam. Where the Petitioner along with six other persons was tried for the said offence. The Learned Magistrate found all the accused not guilty and acquitted them all on 7-9-92. In the meanwhile some juniors were promoted in the Respondent Corporation. Having been acquitted by the Court the Petitioner made representations dated 20-10-1992 to the Respondents for considering his case in the light of the judgement of acquittal passed in his favour and reinstate him into his original post and promote him above the juniors. Although the said representation was received on 23-10-92 but no action was taken against the representation. Hence, another representation dated 16-12-92 was made and thereafter again in 19-1-93. But these representations were also not replied, no action was taken in this regard.

3. A writ petition was filed on 30-3-93 before the Hon'ble High Court. The Hon'ble High

Court directed the Respondents to consider the representations of the Petitioner and passed appropriate orders in accordance with the law. This is dated 16-11-95. The Respondent gave temporary appointment as a sub-staff to the Petitioner on 7-5-96. Subsequently, Hon'ble High Court dismissed the WP on 16-8-96 and the Respondents terminated the services of the Petitioner on 3-9-96. That the said WP was dismissed only on the ground of inordinate delay. During his tenure of service there were no remarks against the Petitioner. Hence, it is prayed that the Respondent may be directed to appoint the Petitioner as a sub-staff to do any of the jobs like watchman, lift operator or water boy on temporary basis with back wages and costs. Further, the first Respondent be directed to forward the Petitioner's name to National Industrial Tribunal for absorption as a permanent employee.

4. A counter was filed by the first Respondent and adopted by R 2 & R 3. And a rejoinder was also filed by the management after the amendment of the Petitioner. It is true that the Petitioner was appointed as water boy on daily wages of Rs. 9 in the month of April, 1981. That it is not correct that he was continued till April, 1983. It is common practice that the water boys are engaged on daily wages at the beginning of office hours during summers to water the windows and door way mats and remove them after summer. Further the daily wage water boys are not governed by LIC of India Staff Regulations, 1968. No doubt, that the Petitioner along with others was suspended by an offence under Sec. 468, 471 and 474 Indian Penal Code. Later they were all acquitted. But it does not mean that the petitioner has got right to be reinstated in the original post and promoted over his juniors without following the recruitment procedure that is, written test and interview.

5. Respondent further submits that in terms of the award of National Industrial Tribunal and the tentative compromise arrangement arrived at in the Hon'ble Supreme Court of India and as per the instructions for implementation of Hon'ble Supreme Court's order dated 1-3-89 the Petitioner is not eligible under the above award. Hence, the same was informed vide letter dated 3-4-83 that he is not eligible. Again as per the Hon'ble High Court directive under WP No. 3962 of 1993, Respondents have replied to the Petitioner informing him the inability to consider his case in permanent service. It is further submitted that in case any candidate, who works in temporary service in the cadres other than as water boys they are considered for absorption after they were

subjected to written and oral tests in terms of the award of the National industrial Tribunal. That in terms of the order dated 9-4-1996 the Petitioner was taken as water boy temporarily on casual basis. That the reinstatement of the Petitioner as water boy does not arise even after acquittal of the criminal case as reinstatement arises only in case of permanent employees of the Corporation who were governed by LIC of India Staff Regulations. As such Petitioner is not entitled for reinstatement or any consequential benefits or back wages.

5A. A rejoinder was filed that in the WP No. 7268/1996 in the Hon'ble High Court he has asked reinstatement himself of as water boy and not as a sub-staff, itself a clear proof that he worked as a water boy and not as a sub-staff. As such he is not entitled to seek award for any direction to the Respondents to appoint the Petitioner as a sub-staff to do any jobs like watchman, lift operator or water boy on temporary basis on daily wages.

6. The Petitioner deposed in chief examination that he worked as sub-staff in the LIC from 20th April, 1981 to 20th April, 1983. That a case was booked against him and others alleging that he committed theft of cash and cheating etc. and he was removed from service on 20-4-1983. He applied for sending his name for making him permanent and it is dated 29-1-1987. The office copy of which is Ex. W1. He also submitted a representation for reinstatement on 22-10-92, that is Ex. W2. Ex. W3 is the postal acknowledgement. He sent another representation dated 19-1-93. That he received Ex. W11 which they expressed their inability to consider his case. Ex. W 12 is the Judgement in CC No. 442/89 on the file of 5th Metropolitan Magistrate, Visakhapatnam. That his services as sub-staff are illegally terminated and on some false allegations which ended in acquittal vide Judgement of CC No. 442/89 in Ex. W 12. The appointment order and the termination order are oral. He used to sign the attendance register and was being paid Rs. 9 per day while he was in service. The management used to obtain his signature on the acquaintance roll once in a month.

7. In the cross examination he deposed that it is true that he is a daily wage employee on Rs. 9 per day. He has no document to show that he was paid wages monthly. He denied that he wrote before the Hon'ble High Court that he was employed as water boy and not as a sub-staff. He denied that he did not work for more than 240 days.

8. Sri B. Bala Venkata Rao was examined as WW 2. He deposed that he knows the Petitioner who was working as water boy in the year 1984. The Petitioner's Counsel declared him hostile and cross examined him with permission in the Court. In the cross examination he deposed that he also worked as water boy. He denied that he is speaking falsehood being the employee of the L.I.C.

9. One Sri K. N. Murthy was examined as WW 3 who deposed that himself and Petitioner worked as sub-staff from 1981 to 1983. He joined in April, 1981 and the Petitioner joined in May 1981. Himself and the Petitioner were removed on allegation that they misappropriated the L.I.C. funds and criminal case was filed which ended in acquittal. The Petitioner is also working in a courier service. There was no designation as water boy. He was appointed only as sub-staff.

10. In the cross examination he deposed that there is no appointment order in writing. There are no pay slips for him. That their services were taken intermittently on daily wages of Rs. 9 and payment was made once in a month. No written examination was conducted for him and the Petitioner. That his name is not there in the NIT award, that is, National Industrial Tribunal award. He did not apply in pursuance of the NIT award. It is not true to suggest that as they did not work continuously from 1981 to 1983 and that their appointment was purely on need basis of water boys during summer season only. He denied that he is speaking falsely.

11. Sri John Wilson, Administrative Officer, Legal Department, LIC of India, Visakhapatnam deposed as MW 1. That he is working as Administrative Officer in Legal Department, Visakhapatnam. That the Petitioner worked there from April, 1981 to 20th April, 1983 continuously. He worked on daily wages as water boy between April to June, after the summer period there is no engagement of Petitioner's services as water boy. He worked up to 1983. He was involved in a criminal case and acquitted on 7-9-92. The L.I.C. Staff Regulations did not apply to the daily wage water boy. As per the staff regulations he has to undergo interview and staff test and also as per National Industrial Tribunal's award. He is not eligible under the same. The WP was dismissed on the ground of inordinate delay. During the pendency of the WP the Petitioner was continued in service by virtue of interim orders.

13. MW 1 was examined in chief his evidence is restored. Accordingly, MW 2 Sri R. Satya-

narayana, Administrative Officer, LIC of India-Visakhapatnam gave evidence and deposed in the chief examination. That he is working as Administrative Officer in Legal Department, Visakhapatnam. That the Petitioner worked there from April, 1981 to 20th April, 1983 continuously. He worked on daily wages as water boy between April, to June, after the summer period there is no engagement of Petitioner's services as water boy. He worked up to 1983. He was involved in a criminal case and acquitted on 7-9-92. The L.I.C. Staff Regulations did not apply to the daily wage water boy. As per the staff regulations he has to undergo interview and staff test and also as per National Industrial Tribunal's award. He is not eligible under the same. The WP was dismissed on the ground of inordinate delay. During the pendency of the WP the Petitioner was continued in service by virtue of interim orders.

14. In the cross examination he deposed that it is not true to suggest that the workman was taken as sub-staff, but entrusted the job of water boy, he was appointed as water boy and not as sub-staff. Along with the Petitioner they have also engaged as water boys during summer period and they also worked as such. L.I.C. booked a case for forgery as such they have not engaged the Petitioner from 21-4-83 who was later acquitted.

15. As per the National Industrial Tribunal's award all class four employees, Peons, Watchman, liftman, sweepers who worked for 70 days during 1-1-1982 to 20th May, 1985 are eligible for permanent employment. But the Petitioner is not entitled because he worked as water boy. It is not true to suggest that some persons who worked as water boys were made permanent. One Venkat Rao and K. Karlavacharyulu who worked as water boys and sub-staff were made permanent. During the same period Petitioner worked as water boy. The above two person were also engaged initially as water boys and subsequently engaged as sub-staff. It is not true to suggest that the abovementioned two persons were engaged as sub-staff subsequent to the award to make them eligible for permanent posts and a false case was filed against the Petitioner and he was discriminated. It is not true to suggest that the Petitioner also worked as sub-staff and therefore eligible for appointment along with the abovementioned two persons.

16. It is argued by the Learned Counsel for the Petitioner that the Petitioner was appointed as a sub-staff on daily wages for Rs. 9/- per

day in the month of April, 1981 and continued in service till 20th April, 1983 without any break.

17. But for the false case being booked against him and six other in two Town Police Station, Visakhapatnam for the offence under Sec. 468, 471, 474 and 420 of the Indian Penal Code. He was not permitted to work with the Respondent. It took the police six years to file a charge sheet which was numbered as CC No. 442/89 before 5th Metropolitan Magistrate, Visakhapatnam and he was acquitted on 7-9-92.

18. Losing no time after his acquittal on 7-9-92 he made representation dated 20th October, 1992. As no action was taken he made another representation on 16-12-92 and another representation on 19-1-93. Seeing no result a writ Petition was filed on 30th March, 1993 before the Hon'ble High Court of A.P. The Hon'ble High Court directed the Respondent to consider the representation of the Petitioner and passed appropriate orders in accordance with the law which is dated 16-11-95. The Respondent gave temporary appointment as a sub-staff to the Petitioner on 7-5-96 and ultimately the Hon'ble High Court dismissed the writ petition on 16-8-96 and the Respondent terminated the service of the Petitioner on 3-9-96. The said writ petition was dismissed on the grounds of inordinate delay.

19. It is argued by the Learned Counsel for the Petitioner keeping the above facts in view after all, what is the fault of the Petitioner. He continued for more than two years in service without any break. A false case was booked against him and where the Police Station took as many as six years to file the charge sheet and it took another three years in the Magistrate Court where ultimately he was acquitted. Whereas the delay, he immediately made representation to the bank and the bank did not respond to the representations, within six months he filed a writ petition. So there is no delay on part of the Petitioner to approach the bank or the Court. She relied on 2002 III LLJ page number 223 wherein his Lordship held—"that termination of services of workman who had worked for more than 240 days in several years violative of Sec. 25F of the I. D. Act, 1947 Industrial Tribunal's direction to reinstate and regularize their services with 40% back wages, held proper." She also relied on Regional Manager, Bank of Baroda Vs. Presiding Officer, Central Govt. Industrial Tribunal and another in (1999) 2 Supreme Court Cases page 247 wherein it is held that the employee had obtained post of cash collector, a

clerical post suppressing the fact of criminal prosecution pending against him under Sec. 307 of IPC in which he was convicted by the lower Court and ultimately acquitted by the Hon'ble High Court. Their Lordships of the Hon'ble Supreme Court said that in the peculiar circumstances his services shall continue. (They also made it clear that they shall not be treated as Precedent in the future). So the Learned Counsel argues that there was a case where the lower Court convicted and ultimately the High Court acquitted. Here the lower Court itself acquitted him and the reason for not taking him in service was due to the alleged criminal case pending against him. The Learned Counsel for the Petitioner also relied on 1999 II LLJ page 482 where the chowkidar was terminated on 12-11-75 he raised an Industrial Dispute in March, 1983 ultimately, reference was made in April, 1984. The Labour Court held that the termination was illegal. Only 50% back wages were directed to grant appellant. The Hon'ble Supreme Court held that the delay have been taken care of by granting only 50% wages once, the termination hold illegal, the Petitioner is entitled to be reinstated.

20. It is further submitted by the Learned Counsel for the Petitioner that on 29-1-87 vide Ex. W 1. He requested the Bank to send his name for NIT for making sub-staff temporary employees permanent after passing the test. He requested that his name also be sent. Ex. W 2 is the first application wherein he has stated that without any break he worked for more than two years till 22-10-92 after the acquittal. Ex. W 4 is another such application dated 16-12-92. Ex. W 5 is another such application. Ex. W 7 is one another such application. Ex. W 9 is another such application. Ex. W 11 is the letter dated 25-1-96 stating that he was not eligible for absorption under the NIT award and stating that the application was not received within the stipulated time. Ex. W 12 is the Judgement of the Criminal Court acquitting him and the other six. So he submits that the Petitioner is entitled for absorption in the permanent cadre as per the NIT award and it was the fault of the Respondent in not sending his name for the said consideration.

21. The Learned Counsel for the Respondent argues that Ex. M 4 is the Judgement of the Hon'ble High Court in WP No. 3902/93 dated 16th November, which was dismissed with a direction, considering the representation of the Petitioners and passed appropriate orders according to law. Ex. M 5 is the reply given to the

Respondent keeping in view of the Judgement of the Hon'ble High Court vide Ex. M 4. That as per Ex. M 7 circular those who worked as temporary, badli and part time employees during the period from 1-1-92 to 20-5-95 shall be considered for regular appointment and he does not come in any other such category. The application should have been received after 7-7-86 but before 6-3-87 should also be considered. He also ought to have been sat for a written test and interview which he has not done. Hence, he cannot claim appointment.

22. The Counsel for the Respondent relied on 1998 LLJ 343 (SC) page 343, wherein, their Lordships held—"the engagement of seasonal workman in sugar cane crushing—Not a case of retrenchment of workman but of closure of factory after crushing season was over." He also relied on 1998 II LLJ page 15 Supreme Court where in it is held—"disengagement from service of temporary employees on daily wages cannot be construed as retrenchment." He therefore submits that the Petitioner is not entitled for any relief.

23. It may be seen that Petitioner has worked continuously admittedly given by the Respondent from April, 1981 to April, 1983. Admittedly he was not given the job as he was prosecuted for misappropriation by preparing some false vouchers along with six others and admittedly acquitted on 7-9-92. He did not loose any time and started representing to the Respondent from October onwards. He also had filed an application dated 29-1-1987 to send his name for NIT. Now the question is whether he has given an application on 29-1-87 and then keeping quite in 1992 till the Judgement was pronounced although admittedly he was removed from service in the year 1983 itself is sufficient as if he has complied with the requirements. It is rather unhappy delays of event that for filing a charge sheet itself if really six years have taken and ultimately the Petitioner was acquitted in 1992, well, nothing can be said. But he himself has kept quite except filing Ex. W 1 dated 29-1-87 to send his name for NIT appearing that he kept quite till October, 1992. After the Judgement was pronounced in September, 1992 and this Petitioner was also allowed to work. Further it may be seen that as per Ex. M 8 that questioning the orders of discharge passed in the year 1993 writ petition was filed in the year 1996. The Hon'ble High Court dismissed it on the ground of inordinate delay. So it may be noted that there was a criminal case pending till 1992 against the Petitioner. Atleast he should have approached

the Hon'ble High Court after getting acquittal in the criminal case which he has done but for another purpose vide Ex. M 4 and again approached the Hon'ble High Court, High Court decided it vide Ex. M 8 that there is inordinate delay.

24. Sometimes some things happen which are beyond the control of anybody. Here whatever the truth or otherwise he was involved in criminal case. Having worked as water boy from 1981 to 1983 now after the close of almost two decades he still says he is jobless and wants job. The very fact that during the pendency of the writ petition he worked as water boy. And Petitioner is now aged almost 39 years and anyway inspite of the acquittal there is some stigma attached to him. However, taking the chequered history of the case into account and sympathetic approach, the only relief under the circumstances that can be given to the Petitioner is he shall be appointed as a water boy whenever there is a vacancy in Respondent number one's office taking his seniority as 1981 and any future temporary appointment he shall be given preference over others as stated supra taking his date of appointment as April, 1981 giving him relaxation in age.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 30th day of November, 2002.

E. ISMAIL, Presiding Officer

Appendix of evidence.

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW 1 : Sri A. Appa Rao	MW 1 : Sri John Wilson
WW 2 : Sri B. Bala	MW 2 : Sri R.
Venkata Rao	Satyanarayana

WW 3 : Sri K. N. Murthy

Documents marked for the Petitioner

Ex. W 1: Copy of Petitioner's representation dt. 29-1-1987

Ex. W 2 : Copy of Petitioner's representation dt. 22-10-1992

Ex. W 3 : Postal acknowledgement dt. 24-10-92

Ex. W 4 : Copy of Petitioner's representation dt. 16-12-1992

Ex. W 5 : Copy of Petitioner's representation dt. 20-12-1992

Ex. W 6 : Postal acknowledgement dt. 21-12-1992

Ex. W 7 : Copy of Petitioner's representation dt. 21-12-1992

Ex. W 8 : Postal acknowledgement dt. 24-12-1992

Ex. W 9 : Copy of Petitioner's representation dt. 19-1-1993

Ex. W 10 : Postal acknowledgement dt. 21-1-93

Ex. W 11 : Copy of Respondent's reply for Petitioner's representation dt. 25-1-96

Ex. W 12 : Copy of Judgement in CC No. 442/89 dt. 7-9-1992

Documents marked for the Respondent

Ex. M 1 : Copy of Respondent's reply to the Petitioner's representation dt. 25-1-96

Ex. M 2 : Petitioner's representation dt. 19-1-1993

Ex. M 3 : Copy of reply of Petitioner reg. Employment dt. 3-4-93

Ex. M 4 : Copy of order in WP No. 3962/1993 dt. 16-11-95

Ex. M 5 : Reply to Petitioner's representation reg. WP dt. 25-1-96

Ex. M 6 : Copy of notification & NIT award dt. 16-9-88

Ex. M 7 : Copy of circular No. ZD/682/ASP/89 dt. 14-3-1989

Ex. M 8 :: Copy of order in WP No. 7268/1996 dt. 16-11-1996

Ex. M 9 : Copy of order in WP No. 8911/1996 dt. 9-4-96

Ex. M 10 : Copy of order in WPMP No. 25045/96 in WP No. 7268/96 dt. 29-8-97

Ex. M 11 : Copy of termination order of Petitioner dt. 3-9-96

Ex. M 12 : Copy of memo No. GR 1112/2000 dt. 13-10-2000

Ex. M 13 : Copy of delegation of powers under regulation No. 41 of LIC regulations, 1959.

नई दिल्ली, 20 दिसम्बर, 2002

का.आ. 231.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं आई.सी. आफ इंडिया के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण/

शम न्यूयार्क, कोलकाता के पंचाट (संदर्भ संख्या 6/97) को प्रकाशित करते हैं, जो केन्द्रीय सरकार को 19-12-2002 को प्राप्त हुआ था।

[सं. एल-17012/33/95-आई.आर. (बी-II)]

सौ. गंगधरण, अवर सचिव

New Delhi, the 20th December, 2002

S.O. 231:—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 6/97) of the Central Government Industrial Tribunal, Kolkata as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 19-12-2002.

[No.L-17012/33/95-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT KOLKATA

Reference No. 06 of 1997

Parties : Employers in relation to the management of LIC of India

AND

Their workmen

Present :

Mr. Justice Bharat Prasad Sharma,
Presiding Officer

Appearance :

On behalf of : Mr. S. Sengupta, Advocate with Management Ms. S. Dutta Chowdhury, Advocate.

On behalf of : Mr. H. Quader, Advocate.
Workmen

State : West Bengal. Industry : Insurance.

Dated : 10th December, 2002.

AWARD

By Order No. L-17012/33/95/IR(B-II) dated 4-3-97 the Central Government in exercise of its powers under Section 10(1) (d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of LIC of India in denying proper compensation for working

in-night shift also by Shri R.D. Dubey, Watchman from 18-6-92 to 31-3-93 is legal and justified. If not, to what relief the said workman is entitled?"

2. The present dispute has been raised on behalf of the workman, Rishi Deo Dubey of the Life Insurance Corporation of India by the LIC Class-IV Employees Association Calcutta. It relates to the claim of the workman regarding payment of overtime wages to him for working for extra hours between 18-06-1992 and 31-03-1993.

3. It appears that the written statement was filed on behalf of the workman himself and not on behalf of the Association or union. In his written statement the workman has stated that at the material point of time he was a member of the Life Insurance Corporation Class-IV Employees Association which is an union. He further stated that he was engaged as a Watchman bearing S. R.No. 303772 to perform night duty as Watchman at 12, Chowringhee Square in Andhra Insurance Building and 7, Esplanade East, Lakshmi Insurance Building. It is stated that on 18-06-1992 the management engaged another Watchman with direction to take charge from the workman concerned and also the keys of the said building, but the said night watchman did not turn up to resume duty, nor to receive the keys of the building from the workman concerned and, therefore, he was bound to continue his duty as Night Watchman to protect the property of Life Insurance Corporation. He further stated that on 30-06-1992 he wrote a letter dated 29-06-1992 to the Secretary, Estate Deptt. of LIC, Eastern Zonal Office, Calcutta and informed him about the material facts and requested him to direct him as to whom the keys of the said building was to be handed over. It is further stated that on 13-10-1992 the workman again informed the said Secretary and asked him to inform as to how long the said state of affairs was to continue, but the said Estate Deptt. of L.I.C. did not reply to his letter. He further stated that on 22-12-1992 he again wrote a letter to the Secretary of the Estate Department requesting him as to how long he was to continue to perform the said duty of Night Watchman. However, on 03-02-1993 the Security Officer informed the said Zonal Office that a Watchman was engaged to work from 9.30 A.M. to 9.30 P.M. and the workman had no alternative but to stop to discharge responsibility. In this context, it has been stated on his behalf that the workman continued to perform duty of Night Watchman from 18-06-1992 to 31-1-1993 at Andhra Insurance Building and, therefore, he has become entitled to payment according to the rules of wages for a substitute workman for that period. It is stated that accordingly the workman wrote a letter on 08-05-1994 to the Zonal Manager of L.I.C.

for payment of the amount requesting him to grant extra remuneration, but the said letter also remained unrepudiated. It is further stated that on 05-12-1994 also the workman again wrote to the Zonal Manager to make payment of the remuneration for the period from 18-06-1992 to 31-01-1993 but the Zonal Manager failed to make payment of the remuneration as demanded by him. Then the workman approached the Assistant Labour Commissioner (Central) for intervention in the matter and conciliation proceeding started, but the matter could not be resolved and accordingly failure report was submitted and the reference has been made. He has also given a calculation of the amount of claim as Rs. 53,505.18 p. plus interest at the rate of 12½ per annum. It is stated that the workman had preferred his claim to the management also and he is entitled to receive the amount and accordingly he has prayed for an order to this effect.

4. A written statement has also been filed on behalf of the management in which it has been stated that the workman has tried to mislead by giving some wrong facts and accordingly the allegations of the workman has been denied in toto. It is stated on behalf of the management that the concerned workman, Rishi Deo Dubey was the only Watchman in the Andhra Insurance Building and his timing was from 6 A.M. to 10 A.M. and again from 6 P.M. to 10 P.M. He was to discharge duty as Watchman during the aforesaid period and there was no question of his performing any duty over and above the same and it is stated that the workman had performed the duty also accordingly. It has been stated that the L.I.C. decides whether the building requires 24 hours Watchman or one Watchman for 8 hours is enough to look after its interest. It is stated that Andhra Insurance Building vested in L.I.C. from the erstwhile insurer and it has no yield. The income of the building has been negligible for the last several years. It is also stated that the said building consists of many old tenants and the L.I.C. is running at loss in maintaining the building. It is also stated that the workman concerned was allowed a sub-standard quarter in the top floor of the building. It is also stated that in such buildings 24 hours watchman are not there and it is for the L.I.C. to see that its property is protected and has got a Estate Department to look after the interest of the properties. It is stated that no watchman is supposed to presume on its own that he is responsible to save a particular building and he is also not supposed to presume that he has become indispensable to save the property of L.I.C. which is covered by the Public Premises Act and happens to be the property of the Govt. of India. It is stated that the workman was living in the building and the fact that he kept the key on his own does not make him eligible for overtime.

It is further stated that the Cashier of the Bank who keeps the key of the cash box, Cashiers in the L.I.C. who keep keys of the cash box and the Branch Managers who keep the keys of the premises on their own do not become eligible for claiming overtime. So, the socalled performing of duty without specific instruction cannot entitle the workman to overtime payment without any specific order by the L.I.C. It has been stated that at no point of time L.I.C. advised Shri Dubey, the concerned workman to perform duties as Night Watchman, apart from his own duties. It is also stated that the Workman might have given some letters to L.I.C. but he was advised by the Security Officer for handing over the keys to the Watchman of the Hindusthan Building which he did not do. It is also stated that in his earlier letters he did not mention that he had performed duties during the said period for which he should be paid; Rather, he simply stated in the letters that he should be asked as to whom he should handover the keys of the building. In this context it is stated that it is clear that he has not performed his duties for which he should be paid. It is further stated that the workman has not mentioned that for years together he worked from 6 A.M to 10 A.M. and 6 P.M. to 10 P.M. in the said building. It is stated that in fact he wrote that he remains busy with multifarious activities relating union to but he did not mention as to how the keys of the buildings were kept earlier and how all on a sudden the security of the building was jeopardised. It is also further stated that the workman in his letters referred to in his written statement did not mention that he had performed extra duties or that he was entitled to payment of extra remuneration or overtime payment. It is stated that the workman never worked extra time than his original duty and subsequently a Night Guard through agency was also engaged for performing the duty when the workman was not supposed to be on duty. It is stated that as the management of the L.I.C. did not find any merit in the letters and representations of the workman, it was not replied to and he was supposed to perform his usual duty as per the arrangement from before. Therefore, it has been submitted that the workman has not made out any case that he performed duties for extra hours during the period concerned or that he is entitled to extra payment or overtime payment for working overtime. Therefore, it has been submitted that the claim of the workman concerned is fit to be rejected.

5. Both the parties adduced evidence in this case. So far as the workman is concerned, he examined himself as WW-1 and he stated that he was appointed as a Watchman in 1974 and he worked there till his retirement. He further stated that he performed

extra duty from 10 P.M. to 6 A.M. from 18-06-1992 to 31-03-1993 in addition to his usual working hours and, therefore, he has become entitled to extra payment of about Rupees 51/52 thousands on overtime basis. He has also proved the order, Ext. W-1 and his representation to L.I.C., Ext. W-2. In his cross-examination, he has stated that his duty hours used to be fixed by the management as required by it and he has no paper to show that at the relevant time his usual duty hours was from 10 A.M. to 5 P.M. He also stated that there is no paper to show that he actually worked from 10 A.M. to 5 P.M. during that period and, accordingly, it has been suggested to him that he actually did not ever worked for more than 8 hours at a stretch during 24 hours.

6. MW-1, Ramesh Chandra Khora has been examined on behalf of the management. He has stated that from 1994 to 1997 he was posted at Calcutta as Administrative Officer of the Estate Department and he knew the workman concerned, Rishi Deo Dubey who was a Watchman in L.I.C. He stated that the workman was posted in the office at Andhra Insurance Building and his duty hours were from 6 A.M. to 10 A.M. and again from 6 P.M. to 10 P.M. It is stated that the workman was also allotted a staff quarter in the said building and he was directly under the control of the Building Inspector and this witness happened to be a Supervisor of the building being overall incharge of the building of L.I.C. He has further stated that change in working hours of an employee could not have been made without an office order and a workman was not supposed to work overtime without an order to this effect by the competent authority. He has further stated the document, Ext. W-1 happens to be an office order by which the Security Officer had instructed the persons working under him including the workman concerned to perform their regular duties and the order was made effective from 15th November, 1993. According to him the workman concerned was not supposed to have worked for 24 hours during the period from June, 1992 to January, 1993 as there was no order to this effect. In his cross-examination, he stated that it appears from Ext. W-1 that the working hours of the workman concerned was fixed from 10 P.M. to 6 A.M. and there was no order to this effect prior to passing of this order to his knowledge, though order should have been there. He also admitted that according to his knowledge the workman concerned had filed some representations in connection with his performance of duties for more than 8 hours and he had also claimed extra payment. He also stated that he cannot say whether these representations were filed prior to the passing of the order, Ext. W-1 or after the same as he did not deal with such matters.

7. So far as the documents are concerned, as it has been stated earlier, Ext. W-1 happens to be an order passed by the Security Officer of L.I.C. on 11th November, 1993. Names of 3 persons supposed to be watchmen of L.I.C. are mentioned in the order and their duty hours have been decided, so far as Andhra and Lakshmi Insurance Buildings are concerned. It appears that the duty hours assigned to the workman concerned, Rishi Deo Dubey was from 10 P.M. to 6 A.M. Another document is Ext. W-2 which is a representation of the workman to the Zonal Manager, L.I.C. at Eastern Zonal Office, Calcutta regarding settlement of wages in relation to his work done as Watchman from 18-6-1992 to 31-1-1993. In this letter he has stated that as he did not receive any order regarding handing over the keys to some other Watchman, he continued to protect the building throughout during the said period and, thereafter, on 11-11-1993 the Security Officer served an order showing his duty hours from 10 P.M. to 6 A.M. In this circumstance, he has stated that because he worked overtime during 18-6-1992 to 31-1-1993, he is entitled to overtime payment according to rules. There is no document on behalf of the management.

8. Whereas it has been submitted on behalf of the workman that because he had no clear instruction as to whom he should hand over the keys of the building where he was working as a Watchman after his duty hours was over, he continued to hold the keys with him and he was supposed to be incharge of the building as Watchman continuously for 24 hours and, therefore, he is entitled to overtime payment, because any person or workman working for more than 8 hours becomes entitled to such overtime payment according to rules. On the other hand, it has been submitted, on behalf of the management that any workman is supposed to work under a clear and specific instruction from the management and he is not supposed to be on duty beyond his regular working hours without any such order or instruction. It has been submitted that it is a different thing that because no other Watchman was available to receive keys from the workman concerned after his usual working hours was over, he continued to keep the keys with him, but in that case also he was not supposed to be responsible for watching the building for 24 hours, because his duty hours were specified earlier and it was for the first time on 11-11-1993 his duty hours were changed and he was directed to perform duty from 10 P.M. to 6 A.M. so, there is no material to show that prior to the passing of this order, Ext. W-1, he had no instruction that he will remain in-charge of the building as Watchman for 24 hours during the period in question. It has, therefore, been submitted that if a person without any specific order from the management claims that he has worked for more than his usual duty hours

the management cannot be responsible for making payment to such workman and there is no material to show that he had actually worked for more than his usual duty hours, though he was keeping with him the keys of the building and in this connection it has been submitted that it has been clearly stated by the witness on behalf of the management that the workman did not even mention in his earlier letters that he was performing duties beyond his usual duty hours and as such he was entitled to receive extra remuneration or overtime payment and he at a later stage started saying so claiming overtime payment. It has been submitted that it has been clearly stated on behalf of the management that many of the officers and staff of L.I.C. keep keys with them, but they are not supposed to work for 24 hours only because they are having keys with them. Any person can claim extra remuneration only when the management by specific order directs him to perform duty beyond his usual duty hours. It has, therefore, been submitted that the claim of the workman is not fit to be entertained. I find substance in it.

9. It has also been pointed out on behalf of the management that the peculiar feature of this case is that whereas his dispute was earlier raised by the union and accordingly the reference was made, the union appears to have withdrawn from the contest in the dispute and the workman himself has taken over the charge of pursuing his case. It has been submitted that in such a circumstance, it becomes an individual claim and it cannot be treated as 'industrial dispute' in real sense, because it does not concern any community of interest or any common cause so that it may make out a case of an 'industrial dispute' between the workmen and the employer. It has been pointed out that a workman is of course entitled to pursue his claim only in the condition given under Section 2A of the Act and the claim of the concerned workman does not fall under Section 2A of the Act. So, his claim is fit to be rejected. There is substance in the contention.

10. Accordingly, I hold that there is no merit in the claim of the workman in this case and the workman is not entitled to any relief what-so-ever. The action of the management, in the circumstance, cannot be said to be unjustified.

The reference is decided accordingly.

B. P. SHARMA, Presiding Officer

Dated, Kolkata,

The 10th December, 2002.

नई दिल्ली, 23 दिसम्बर, 2002

का. आ. 232.—श्रीदौषिगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मार्मगांव पोर्ट ट्रस्ट के प्रबंधतात्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीदौषिगिक विवाद में श्रीदौषिगिक अधिकरण, पणजी, गोवा के पंचाट (संदर्भ संख्या 97/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं. एल-36011/2/93-आई.आर. (एम)]

सौ. गंगाधरण, अक्षर सचिव

New Delhi, the 23rd December, 2002

S.O. 232.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 97/2000) of the Industrial Tribunal, Panaji, Goa as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mormugao Port Trust and their workmen, which was received by the Central Government on 23-12-2002.

[No. L-36011/2/93-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI
(BEFORE SHRI AJIT J AGNI, HON'BLE PRESIDING OFFICER)

Ref. No. IT/97/2000

Workmen Rep. by

The President,
Mechanical Ore Handling Plant,
(Plant), Technician Association,
Marmugao—Goa —Workmen/Party I

V/s

I. The Chairman,
Mormugao Post Trust,
Mormugao Harbour, Goa —Employer/Party II

II. Shri Vinayak D. Tari,
Operator Grade-I,
Mechanical Ore Handling Plant,
Mormugao Port Trust,
Mormugao Harbour, Goa —Workmen/Party II(a)

III. 1. Shri Sawant Uttam M.,
2. Shri Vaman N. Rao,
3. Shri A.M. Da Costa,
4. Shri Bhicaro S. Naik Desai,
5. Shri Michel E.F. Megrulhao

6. Shri Halarnkar Jayendra,
7. Shri Salgaonkar Pradeep,
8. Shri Satterkar Ramdas,
9. Shri Gawade Rama,
10. Shri Malvi Venkatesh R.,
11. Shri Naik Somnath G.,
12. Shri Patil Ashok N.,
13. Shri Thomas Kutty David,
14. Shri Fernandes Exalatation,
15. Shri Fernandes Stephen,
16. Shri B. Sudevan,
17. Shri Naik Shikant N.,
18. Shri J.M. Pillai,
19. Shri Thomas A.S.,
20. Shri Bhosle Shivram S.,
21. Shri Naik Ashok R.,
22. Shri Redkar Dharmar V.,
23. Shri Shaik Mohammed A.M.,
24. Shri Rangappa Jamalasa,
25. Shri Bandekar Prakesh V.,
26. Shri Fernandes F.X.,
27. Shri Stephen G.,
28. Shri Naik Ganapati V.,
29. Shri Naik Anand K.,
30. Shri Bandekar Vithaldas M.,
31. Shri Surve Uday R.,
32. Shri Rahimji Rao Nakka,
33. Shri Sheik Abdul Kader,
34. Shri Xete Vernekar D.P.,
35. Shri Pinto Francisco X.R.,
36. Shri Naik Chandrakant D.,
37. Shri Soares Francis N.,
38. Shri Phadte Vinod R.,
39. Shri Mergulhao M.E.F.,
40. Shri Fadte Vithoba,
41. Shri Kauthankar S.V.,
42. Shri Dhodi S. Ratnabhai,
All C/o CME Mormugao Port Trust,
Mormugao Harbour, Goa —Workmen/Party II(b)

Union-Party I—Represented by Shri P. Goankar.
Employer-Party II—Represented by Adv. Shri A.C. Navelcar.

Workman/Party II (a) - Represented by Adv. Shri A. Kundaikar.

Workman/Party II (b) - Except Workman Shri Pradeep Salgaonkar at Sr. No. 7- Represented by Adv. Shri E.O. Mendes.

Workman Shri Pradeep Salgaonkar at Sr. No. 7-
Ex-Parte.

PANAJI, DATED : 4-12-2002

AWARD

In exercise of the powers conferred by clause (d) of sub-section(1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Central Government by order dated 29-11-2000, bearing No. L-36011/2/1993-IR (Misc) referred the following dispute for adjudication of this Tribunal.

"Whether the demand of Mechanical Ore Handling Plant (Plant) Technicians Association that the Technicians should also be considered for promotion to the post of Operator (Grade II) is justified? If not, to what relief the concerned workmen are entitled"

2. On receipt of the reference a case was registered under No. IT/97/2000 and registered A/D notice was issued to the parties. In pursuance to the said notice the parties put in their appearance. The Union-Party I (for short, "Union") filed statement of claim at Exb. 3. the facts of the case in brief as pleaded by the Union is that the 29 workmen (for short, "Workmen") whose names are mentioned in the statement of claim were appointed as Attendants on the date mentioned against their names as they were fulfilling the educational and other qualifications required for the said post. That the post of attendant is a feeder post for all the higher promotions in the Mechanical Ore Handling Plant (for short, 'MOHP'). That the employer vide circular dated 25-3-88 invited applications for the post of Operator Grade II and the workmen in pursuance to the said circular applied for the said post. That the employer did not consider the applications made by the workmen and instead considered the 45 Attendants whose names are mentioned in the statement of claim and who were much junior to the workmen having same or similar qualifications and promoted them to the post of operator Grade II. That the workmen made a joint representation dated 11-3-91 against the injustice caused to them and since the employer did not consider the demands they raised the industrial dispute. That the workmen after their promotion as technicians have worked on the Plant for carrying out the work of repair and maintenance of the Plant and thus they are more experienced. The Union contended that

great prejudice is caused to the workmen because they have become juniors to the 45 workmen who were promoted as Operator Grade II and they are earning lower basic than the said 45 workmen. The Union therefore claimed that the workmen are entitled for promotions to the post of Operator Gr. II with retrospective effect.

3. The employer filed written statement at Exb.4. The employer stated that recruitment rules were framed after consultations with two recognised Unions and as per the said rules the Attendants Grade I were eligible for dual channel of promotion and with a view to maintain a separate interse seniority of Attendants Gr. I, Operator Gr. II (Trainee) and Asst. Technicians it was decided to give one time option to Attendants Gr. I and they were directed to give in writing the field in which they were willing to be considered for promotion i.e. as Operator Gr. II (Trainee) or Asst. Technicians and that the option once exercised was final and not changeable. That the Attendants Gr. I exercised their option accordingly and the workmen in the present reference opted for maintenance side and were accordingly promoted in the maintenance side i.e. non operational side. That since the said workmen had opted for promotion in maintenance side they were not entitled for promotion in operational side. The employer stated that the duties of the operators is of operating the machines and that of technicians is of looking after running preventive and breakdown maintenance and thus the duties are differant from one another. The employer stated that as per the recruitment rules the technicians could not be considered for the post of operators in operational side. The employer stated that as the Attendants Gr. I were agitating for promotion as operators, and intermediate post of Operators Gr. II (Trainee) was created by keeping the total strength of staff of Operators Gr. II and Operators Gr. II (Trainee) as 40 and filling the same at the request of Operators Gr. II (Trainee) with feeder category as Attendant Gr. I. The employer stated that promotions to the post of Operator Gr. II (Trainee) were considered from the category of Attendant after considering their options and willingness and since the workman opted for maintenance stream they were not considered for operations side and therefore no prejudice was caused to them. The employer stated that promotions were made effective only after April 1991 i.e., when the category of Operators Gr. II (Trainee) came into existence and though the applications were invited for the year 1988 for the post of Operator Gr. II, they were kept in abeyance for the reasons stated above and after due concurrence with both the recognised Unions the posts of Operators Gr. II (Trainee) were created in April 1991 and they were filled in as per the recruitment rules. The employer

denied that any injustice was done to the workman and stated that the action of the management was fully justified because the workmen had opted for maintenance stream and were promoted as Asst. Technicians and then Technicians. The employer stated that the technicians have promotional avenues in their own field of maintenance. The employer denied that the workmen are eligible or could be considered for promotion in operational field as Operators. Thereafter the Union filed rejoinder at Exb. 6.

4. On the pleadings of the parties, issues were framed at Exb. 7. After the issues were framed one Shri Vinayak D. Tari, filed an application dated 27-11-2002 at Exb. 11 for adding him as a party to the present proceedings. He stated that because of the pendency of the present dispute his promotion to the post of Operator Gr. II. is not been regularised and that on the basis of the undertaking given by him he is doing the work of Operator Gr. I but drawing the salary of Operator Gr. II. He stated that if any order is passed in the present dispute without hearing him, great prejudice would be caused to him. He stated that though he is qualified for promotion, it is only because of the present reference his promotion is heldup. This Tribunal after hearing the parties passed the order dated 31-1-2002 allowing the application filed by Shri Vinayak Tari and he was added as Party II (a) in the present proceedings. Thereafter Shri Vinayak Tari filed his written statement at Exb. 14. He stated that he was initially appointed as attendant by the employer on 3-6-80 at MOHP and in the year 1998 he was appointed as Operator Gr. II (Trainee) on regular basis. He stated that thereafter he was promoted on adhoc basis as Operator Gr. II in May 2001 and was promoted as Operator Gr. I since June 2001. He stated that though he is working as Operator Gr. I he is drawing the salary of Operator Gr. II only because of the filing of the Writ petition before the Hon. High Court of Bombay at Panaji by the Union and his promotion is not regularised. He denied that the workman were not considered for the post of Operator Gr. II by the employer and that the juniors working as Attendants were considered. He denied that the employer gave promotion to the juniors. He stated that he was rightly promoted by the employer because he satisfied all the qualifications as required for promotion. Thereafter the Union filed additional rejoinder at Exb. 15. On the pleadings of the parties, additional issue No. 1A was framed at Exb. 16.

5. After the additional issue no: 1A was framed, the Union filed an application dated 1-4-2002 at Exb. 18 for adding the 45 workmen whose names are mentioned in the statement of claim filed by the union as parties to the present proceedings. Subsequent to the filing of the above said application

the Union filed another application dated 27-6-2002 at Exb. 20 stating that the workman at Sr. No. 17 namely Shri P. V. Krishnan has retired under voluntary retirement scheme and hence there is no question of his being added as a party to the proceedings. The Union also stated that the workman at Sr. No. 32 namely Shri Jay Gowdar M. Y. is reverted as Attendant and hence his interest is not affected. The Union therefore prayed that the name of Shri P. V. Krishnan and Shri Jay Gowdar M. Y. be deleted from the application dated 1-4-2002 Exh. 18 filed by the Union. Accordingly, order was passed on 27-6-2002 on the said application dated 27-6-2002 Exb. 20 deleting the name of the workmen Shri P. V. Krishnan and Shri Jay Gowdar from the application dated 1-4-2002 at Exh. 18 filed by the Union. This Tribunal passed an order dated 27-6-2002 allowing the application dated 1-4-2002 Exb. 18 filed by the Union and the workman whose names were mentioned at Sr. No. 1 to 16, 18 to 31 and 33 to 44 were added as Party II (b) in the above proceedings. The workman Shri Pradeep Salgaonkar though he was duly served with the notice and was added as a party to the proceedings did not appear and therefore the case was proceeded ex parte against him on 11-7-2002 Adv. Shri E. O. Mendes appeared on behalf of the remaining workman who were added as Party II (b) in the above proceedings and he filed the written statement on their behalf at Exb. 22. The workman/ Party II (b) stated that when the MOHP was initially commissioned the category of Operatoor Gr. II was created and incorporated in the schedule of staff in the Engg. (Mech. Department) and in terms of the then recruitment rules the mode of filling the post of Operator Gr. II was by direct recruitment and it was not a promotional post. The workmen Party II (b) stated that at the MOHP the category of Kalasis existed at the lowest run as in most of the other departments of MPT and above this category there was a category of Attendant Gr. I. They stated that the Attendant Gr. I at the initial stage of Appointment was required to possess educational qualifications and skills higher than those of the Kalasis. They stated that the Attendant Gr. I had their categories channelised in 3 different fields i. e. Asst. Technician (Mech), Asst. Technician (Belt Vulcanising) and Asst. Technician (Electrical). They stated that several Attendants Gr. I accepted the promotions to the Asst. Technicians categories when offered and there were sizeable number of Attendants Gr. I who did not accept promotions in the upward stream of Asst. Technicians as they desired the creation of a channel of promotion from Attendant Gr. I to Operator Gr. II . They stated that the workmen had accepted promotions from the post of Attendant Gr. I to the post of Assistant Technicians and thereafter to the next higher post in th

separate channels as they felt that agitation of the attendant Gr. I to the channel of Operator would be full fledged exercise. They stated that the employer considered their claim favourably in view of the admitted fact that they were stagnating in the same post for over 15 years and even got the benefit of time bound promotion scale whilst they continue to work in the post of Attendant Gr. I. They stated that the employer was not inclined to accept the demand made by them for a straightway promotion to the post of Operator Gr. II because of the huge difference in the scale and therefore initially it was decided to create a post of Asst. Operator and the proposal in that respect was forwarded to Government of India for approval which proposal did not find favour with the Government. They stated that however the Government of India mooted a proposal to down grade few posts of Operator Gr. II to the post of Operator Gr. II (Trainee) without increasing the total sanctioned strength in the categories of Operators and in the above circumstances for the first time in the year 1991 the post of Operator Gr. II came to have a feeder post of Operator Gr. II (Trainee) which was to be filled in from the feeder post of Attendants Gr. I. They stated that the claim of the workman is not for the post of Operator Gr. II (Trainee) which is a feeder post for the post of Operator Gr. II and the recruitment rules creating this channel of promotion has never been challenged by the workmen. They stated that a person gaining promotion thereafter cannot seek the entry into the another promotional avenue the feeder post of which is from his lower post and this being the case the Attendants Gr. I who have opted for promotion to the post of Asst. Technician cannot make a claim for being considered in the post of Operator Gr. II (Trainee). They stated that the pay scales of the post of Attendant Gr. I and Operator Gr. II (Trainee) are one and the same and therefore having taken recourse to a different channel it is not open to them to seek promotion of another channel. They stated that in the MOHP the lowest post of an employee is the Kalashi for whom the next channel of promotion is Attendant Gr. I and the Attendant Gr. I is eligible to opt for promotion to the post of Operator Gr. II (Trainee), Asst. Technician (Mechanical) Asst. Technicians (Belt Vulcanising) and Asst. Technician (Elect.). They denied that the workmen applied for the post of the subject matter of the circular dated 23-5-88 and stated that in any event several of the workmen did not have their educational qualifications mentioned in the said circular and that no workmen junior to the workmen were promoted to a post senior than them in pursuance to the above said circular. They denied that by virtue of promotions junior attendants became seniors to the workmen. As regards the promotions

granted to Mr. G. Munishwar and Mr. H. Naik they stated that in the year 1983 Mr. G. Munishwar was appointed as an Operator Gr. II directly and not by promotion on the basis of the recommendations of the Staff Selection Committee against the direct recruitment vacancy and in the year 1980 Shri H. Naik, was appointed as Operator Gr. II by direct recruitment on the basis of the recommendations of the Staff Selection Committee against the direct recruitment vacancy. They submitted that the present dispute raised by the Union on behalf of the workman is a vexations litigation and the reference is liable to be dismissed with exemplary cost. The Union thereafter filed rejoinder at Exb. 23.

6. On the pleadings of the parties following issue were framed :

1. Whether Party I/Union proves that its demand for considering the Technicians for promotion to the post of Operator Gr. II is justified ?
- 1A. Whether the Party II (a) proves that his promotion to the post of Operator Gr. II is just and legal ?
- 1B. Whether the Party II (b) proves that their promotion to the post of Operator Gr. II is just and legal ?
2. Whether the Party I/Union is entitled to any relief ?
3. What Award.
7. My findings on the issues are as follows:

Issue No. 1 : In the negative.

Issue No. 1A : In the affirmative.

Issue No. 1B : In the affirmative.

Issue No. 2 : In the negative.

Issue No. 3 : As per order below.

REASONS

8. Issue No. 1 : Shri P. Goankar representing the Union submitted that the workmen who were initially appointed as Attendant Grade I were subsequently promoted as Technicians being eligible for the said post and since they possessed educational qualification and experience they were entitled to apply for the post of Operator Grade II which was a direct recruitment post. He submitted that since Technicians suffered from inadequate promotional opportunities they made a representation dated 11th March, 1991 to the employer for creating channel of promotion to avoid stagnation and for promotion to the post of Operator Grade II. He submitted that the employer by memorandum dated 17-6-91 informed the workmen that in view of the circular dated 8-5-91

creating the post of operator Gr. II (Trainee) from which the promotion was to the post of Operator Gr. II, their request for appointment to the post of Operator Grade II cannot be considered. He submitted that as a result of the creation of the post of Operator Grade II (Trainee) the workmen that is the Technicians were permanently deprived of the avenue of promotion. He submitted that at the time of creation of the channel of promotion for the attendant Gr. I the employer ought to have considered the case of the workmen who were already promoted as Technicians. He submitted that the workmen had made a representation to this effect by letter dated 21-12-91. He submitted that on comparing the case of the workmen/technicians with that of the party II (a) and workmen Party II (b) it can be seen that injustice is caused to the workmen as the avenue for promotion in the Operator Grade was much quicker than in the technician grade thereby those workers who began their career together moved ahead of the other and the junior superseded the seniors. He submitted that the letter dated 14-10-89 Exb. E-12 addressed by the employer to the Government of India, Ministry of Surface Transport shows that suggestion was made that Attendants be promoted to the post of Assistant Operators, given proper training and thereafter be promoted to the post of Operator Gr. II alongwith other persons when appointment was made to the post of Operator Grade II on direct recruitment basis, and in the said letter it was further observed that in doing so various aspects like stagnation of the employees, creation of promotional opportunities, boosting and maintenance of proper labour morale and their legitimate aspirations for future prospects and conducive climate for cordial employer-employee relationship should be considered. He submitted that the demand of the workmen is for the post of Operator Grade II and not for Operator Grade II (Trainee) which post was created subsequent to the demand made by the workmen vide representation dated 11-3-1991 for creation of channel of promotion to avoid stagnation and being promoted to the post of Operator Grade II. He submitted that the employer by memorandum dated 17-6-91 rejected the representation of the workmen dated 11-3-91 in terms of the circular dated 8-5-91 Exb. W-4 which provided for filling of the post of Operator Grade II by promotion from Operator Grade II (Trainee). He submitted that the recruitment rules Exb. E-7 prescribe the same qualifications for the post of Operator Grade II which were also considered for the post of Operator Grade II as per Circular Exb. W-3 and which fact is admitted by the employer's witness Mr. Rao. He submitted that the circular Exb. E-8 which mentions duties and responsibilities of various posts shows that the Technicians had to perform the work of the

operators and therefore the Technicians were justified in claiming proportional opportunities for Operator Grade II in the operational stream. He submitted that the employer's witness Mr. Rao has admitted that the post of an operator is a technical post. He submitted that the records show that in the past the promotion of operators were given to the technicians considering their existing grade/pay scales and accordingly Shri H. N. Naik and Shri G. Munishwar were given the post of Operator Grade II and Operator Grade I respectively. He submitted that it is an admitted position that the workmen were seniors than the workers promoted to the Operator Grade, and they are in the Higher Grade than the workmen. He submitted that it is also an admitted position that the Junior workers are presently in the grade equivalent to that of Junior Engineers and the workmen have not reached even to the grade of Operator Grade II. He submitted that the chart produced by the employer at Exb. 12 shows that the workmen are stagnated in the last several years. He submitted that it is on record that the technicians are doing the work such as maintenance of HT Motors, stackers, electrical substation which fact is admitted by employer's witness Mr. Rao in his cross-examination and he has further admitted that the above eligibility is the requisite qualification for the post of Operator Grade II or Grade I. He submitted that in view of the above though the Technicians were eligible for the post of Operator Grade II, the said post was not given to them thereby causing injustice to them. He submitted that the employer's witness Mr. Rao admitted in his cross-examination that the Central Government did not agree to lower the qualification for the post of Operator Grade II and such only to deprive the workmen, the rules were changed to suit the less qualified union workers who became seniors to the workmen thereby causing injustice to them. He submitted that any promotion given on faulty rules are null and void and are liable to be quashed. He submitted that the employer should be directed to grant promotion to the post of Operator Grade II to the eligible workmen. He submitted that the Tribunal has powers to interfere with the recruitment rules. In support of his contentions he relied upon the following authorities namely :

- (1) The Judgement of the Supreme Court in the case of S. B. Sarkar & Ors. v/s. Union of India & Ors. reported in 1990 II CLR 355, (2) The judgement of the Supreme Court in the case of Dr. Ms. Q. Z. Hussain v/s. Union of India & Ors. reported in 1990 Lab. IC 322, (3) The Judgement of the Supreme Court in the case of Uttarakhand Mahila Kalyan Parishad v/s. State of U.P. reported in 1992 (2) LIC 1788, (4) The Judgement of the Supreme Court in

the case of Patna Electric Supply Company Ltd. v/s. Patna Electric Supply Workers' Union, 1959 II LLJ 366, (3) The Judgement of the Supreme Court in the case of The New Mareek Chowk Spg. and Wvg. Co. Ltd., Ahmedabad and others v/s. The Textile Association, Ahmedabad, reported in 1961 I LLJ 521, (6) The Judgement of the Supreme Court in the case of Bidi, Bedi Leaves and Tobacco Merchants' Association v/s. State of Bombay (Now Maharashtra) reported in 1961 II LLJ 663, (7) The Judgement of the Federal Court of India in the case of Western India Automobile Association v/s. The Industrial Tribunal, Bombay & others reported in 1949 I LLJ 245, (8) The Judgement of the Supreme Court in the case of The Bharat Bank Ltd., Delhi v/s. The Employees of the Bharat Bank Ltd., Delhi and Bharat Bank Employees' Union, Delhi, reported in 1950 I LLJ 921, (9) Odion Talkies v/s. Their Workmen reported in 1953 I LLJ 154, (10) The Judgement of the Supreme Court in the case of Rohitas Industries Ltd., v/s. Brijnandán Pandey and others reported in 1956 II LLJ 444, (11) The Judgement of the Supreme Court in the case of Rai Bahadur Diwan Badri Das and others v/s. Industrial Tribunal, Punjab and others reported in 1962 II LLJ 366, (12) The Judgement of the Supreme Court in the case of M/s. J. K. Cotton Spinning and Weaving Mills Co. Ltd. v/s. The Labour Appellate Tribunal of India-Hald Branch, Lucknow and others reported in 1963 II LLJ 436, (13) The Judgement of the Supreme Court in the case of Bombay Labour Union and another v/s. International Franchises (Private) Ltd. and another reported in 1966 I LLJ 417, (14) The Judgement of the Supreme Court in the case of D. K. Yadav v/s. J. M. A. Industries Ltd., reported in 1993 II CLR 116, (15) The Judgement of the Supreme Court in the case of Bangalore Woollen Cotton and Silk Mills Company Ltd. and Their Workmen and another reported in 1968 I LLJ 555, (16) The Judgement of the Supreme Court in the case of Hindustan Brown Boyer Ltd. v/s. Their Workmen and another reported in 1968 I LLJ 571, (17) The Judgement of the Supreme Court in the case of Shabdara (Delhi)-Saharanpur Light Railway Company Ltd. v/s. Shahdara-Saharanpur Railway Workers' Union reported in 1969 I LLJ 734, (18) The Judgement of the Supreme Court in the case of Heavy Engineering Mazdoor Union v/s. State of Bihar and others reported in 1969 II LLJ 549, (19) The Judgement of the Patna High Court in the case of The State of Bihar v/s. Presiding Officer, Industrial Tribunal, Patna reported in 1977 LAB I.C 803, (20) The Judgement of the Supreme Court in the case of Gurst, Keen, Williams (Private) Ltd. v/s. Sterling (P.J.) & others reported in 1959 II LLJ 405, (21) and The Judgement of the Supreme Court in the case of Workmen of M/s. Williamson Magor & Co. Ltd.

v/s. M/s. Williamson Magor & Co. Ltd., and another reported in 1982 I LLJ 33.

Adv. Shri A.C. Navelkar representing the employer submitted on the other hand that earlier, that is prior to the year 1991, the recruitment rules did not provide for promotion to the post of Operator Grade II, but the appointment to the said post was by way of direct recruitment. He submitted that the said Recruitment Rules are produced at Exh. E-16. He submitted that subsequently the employer decided to have promotional avenues on the operational side and on the maintenance side and therefore after consulting the recognised unions, the recruitment rules were amended in the year 1991 providing for dual channel of promotions from the post of Attendant Grade I. He submitted that by circular dated 8-5-91 which is produced at Exh. E-4 the Attendants Grade I were directed to submit their options as to which side they wanted to be considered for promotions. He submitted that the employer has produced the letters at Exh. E-5 colly regarding the options exercised by the Attendants Grade I and the said letters show that some had opted for promotions on operational side and some on maintenance side. He submitted that the duties and responsibilities of the operator and the technician are different and separate as per circular produced at Exh. E-8. He submitted that the duty of the operator is that of operate the machines where that of the technician is that of maintaining the machines. He submitted that the case of Mr. H.N. Naik and Mr. G. Munnishwar has no relevance in the present case as they were appointed to the post of Operator Grade II prior to the amendment of the rules in the year 1991 and they were appointed by way of direct recruitment after they were selected by the Selection Staff Committee. He submitted that prior to the amendment of the recruitment rules in the year 1991 no promotion was given to any of the technicians to the post of Operator Grade II. He submitted that as per the recruitment rules Exh. E-7 colly promotion to the post of Operator Grade II is from the post of Operator Grade II (trainee) with three years experience in the same post. He submitted that the union never challenged the amended recruitment rules which fact is admitted by the Union's witness Shri Joseph Gonsalves in his evidence. He submitted that the Tribunal has no powers for directing the employer to frame rules in a particular way and it is within the right of the employer to frame recruitment rules in the manner in which it is felt deemed proper. In support of his contention Adv. Shri Navelkar relied upon the Judgment of the Supreme Court in the case of Mullikarjuna Rao and others v/s State of A.P. and others reported in AIR 1990 SC 1251.

Adv. Shri E.O. Mendes, representing the Workmen/Party II (b) submitted that the union in its rejoinder at para 3 has admitted that the workmen were promoted to the post of Technicians because that was the only promotional avenue, which meant that they had no right of promotion to the post of operator grade II. He submitted that therefore by amending the recruitment rules, no right of the workmen was taken away. He submitted that the promotional avenue to the post of Operator Grade II was created for the first time in the year 1991 and prior to the year 1991 there was no promotion but direct recruitment to the said post and as such whoever was qualified could apply to the said post. He submitted that this being the case demand of the union for promotion of the technicians to the post of operator Gr. II is not justified. He submitted that there is no substance in the contention of the union that the workers namely Party II (b) who were promoted to the Operator Grade, though were junior to the workmen had become senior to them on being promoted to operator grade and that as such there was injustice. He submitted that this contention would have some substance if the junior workman was placed above the senior workman in the same cadre, which according to him is not the case in the present case. He submitted that in the present case the cadres namely the technicians and the operators are the two entirely different cadres. He submitted that it is within the right of the employer to create as many cadres as he chooses to have according to the requirements and convenience and there cannot be any objection to the same. He submitted that the workers/Party II (b) have been promoted to the post of operator grade as per the recruitment rules framed by the employer and therefore their promotion to the post of operator grade II is legal and justified. In support of his contentions he relied upon the judgement of the Supreme Court in the case of (1) Wing Commander J. Kumar v/s Union of India and others reported in 1982 (2) SCC 116, (2) C.P. Damodaran Nayar v/s State of Kerala and others reported in 1974 (4) SCC 325, (3) State of M.P. & Ors v/s Raghuveer Singh Yadav and others reported in (1950—96) Vol. 8 Supreme Court Service Rules pg. 58, (4) State of Maharashtra and another v/s Chandrakant Anant Kulkarni and others reported in (1981) 4 SCC 130. Adv. Shri Kundaikar representing the Workmen/Party II (a) submitted that he is adopting the arguments advanced by Adv. Shri Mendes.

9. In the present cases per the order of reference dated 29-11-2000 the dispute which has been referred to this Tribunal for adjudication is regarding the demand of the Union for considering the Technicians to the post of Operator Grade II. Evidence has been led only by the Union and the employer.

The Union has examined its Vice President Shri Joseph, Anthony Gonsalves whereas the employer has examined its Deputy Chief Accounts Officer Shri R.V. Rao. Both the witnesses filed their Affidavitary evidence and they were cross examined. Shri Anthony Gonsalves stated in his affidavit that the workmen namely the 29 workmen whose names are mentioned in the statement of claim were initially appointed as Attendants and subsequently they were promoted as Technicians. He stated that at present out of the 29 workmen 9 are working as Technicians Grade II. He stated that initially he was employed as Attendant Grade-I in the year 1980, thereafter was posted as Asst. Technician (electrical) from 1-10-1986, thereafter was promoted as Technician Grade I and presently he is working as Technician Grade II. He stated that as per the recruitment rules then prevailing recruitment to the post of Operator Grade II was by promotion and if no eligible candidate was available then the recruitment was by direct recruitment. He stated that he the educational qualifications and experience entitled the Technicians to be promoted to the post of operator Grade II and inspite of the recruitment rules the Technicians were not promoted to the post of Operator Grade II because the employer insisted that the post of Operator Grade II was to be filled by direct recruitment only. He stated that the Technicians as well as the Operators work on the machines and since the Technicians were educationally qualified and had the knowledge of operation of machines they were eligible for promotion to the post of Operator Grade II. In his cross examination by Adv. Shri Navelkar, representing the employer, he reiterated that when Mechanical Ore Handling Plant was commissioned in the year 1978, the post of Operator Grade II was filled by promotion from the post of Technician failing which by direct recruitment and that the recruitment rules provided for the same. He denied the suggestion that no recruitment rules provided for promotion of Technicians to the post of Operator Grade II. He stated that one Mr. H.N. Naik and Mr. G. Munishwar were promoted to the post of Operator Grade II from the post of Technician. He stated that he can produce the letters/promotional orders showing that the technicians were promoted to the post of Operator Grade II. However, he never produced the said letters/promotional orders though opportunity was given to him on the ground that they were not traceable. He denied the suggestion that Mr. H.N. Naik and Mr. G. Munishwar were not promoted but they were appointed directly to the post of Operator Grade II. However, he admitted that in the rejoinder filed by the Union which is signed by him it is stated that the recruitment rules to the post of Operator Grade II was by direct recruitment and it is

Further stated that Mr. G. Munishwar and Mr. H.N. Naik were recruited directly. In his cross examination by Adv. Shri Mendes representing the workmen Party II (b) he stated that he had applied to the post of Operator Grade II pursuant to the Circular dated 23-5-88 Exb. W-3 and that at that time he was holding the post of Asst. Technician. He stated that in the letter dated 31-5-93 Exb. W-9 colly it was wrongly stated that in the year 1983 Mr. G. Munishwar was appointed as Operator Grade II on the basis of the recommendations of the Staff Selection Committee against direct recruitment vacancy. He admitted that in the Writ Petition No. 356/95 filed in the High Court of Bombay at Panaji the reply dated 15-6-93 signed Mr. Manuel D'Souza, the President of the Union was annexed as Exb. P and that it was stated in the said reply that the Management can show no reason why of all the Asst. Technicians, only Mr. G. Munishwar were selected for filling the post of Operator Grade II. He further admitted that the recruitment rules produced by him at Exb. W-2 colly were framed after the year 1991 which are the amended rules. He admitted that in case of promotion, the selection is done by the D.P.C. that is, by Departmental Promotion Committee. The employer's witness Mr. R.V. Rao stated in his affidavitary evidence that when MOHP Plant was commissioned in the year 1978 the posts of Operator Grade II and Grade I were filled by direct recruitment and that the departmental candidates who possessed the required qualifications and who applied were also considered alongwith others. He stated that Mr. G. N. Munishwar and Mr. H. Naik who were working as Technicians were appointed by direct recruitment to the post of Operator Grade I and Grade II respectively and he produced their appointment letters at Exb. E-9 colly and E-10 colly respectively. In his cross examination he stated that before appointing Mr. H.N. Naik as Operator Grade II he was working as Asst. Technician and before appointing Mr. G. Munishwar as Operator Grade I he was working as Technician Grade I. He produced the recruitment rules for the post of Operator Grade II which were existing prior to the creation of the post of Operator Grade II (Trainee) at Exb. E-16.

10. From the evidence which is discussed above one can see that though the union contended that the appointment to the post of Operator Grade II prior to the amendment of the recruitment rules in the year 1991, was by way of promotion and not by direct recruitment the union did not produce any rules to substantiate its this contention. The union's witness admitted that the recruitment rules produced at Exb. W-2 are the recruitment rules amended in the year 1991. Nothing has been brought on record by the union to prove that prior to 1991 the

appointment to the post of Operator Grade II was by way of promotion. On the other hand the employer has produced the recruitment rules at Exb. E-16. The employer's witness has stated that these rules were existing prior to the amendment of the recruitment rules in the year 1991. The union has neither disputed the said recruitment rules nor disputed the above statement of the employer's witness. The said recruitment rules show that the filling of the post of Operator Grade II was by direct recruitment, and not by promotion as contended by the union. Infact though in evidence the union has tried to contend that the appointment was by way of promotion and that Mr. H.M. Naik and Mr. G. Munishwar were promoted to the post of Operator Grade II, the appointment to the post of Operator Grade II prior to the amedment of the rules was by way of direct recruitment is admitted by the union in its rejoinder to the written statement of the employer wherein it is stated that the recruitment to the post of Operator Grade II was by direct recruitment and that Mr. H.N. Naik and Mr. G. Munishwar were recruited directly. The employer has produced the memorandum dated 30th September 1980/6th October 1980 and the appointment letter dated 6th February 1981 in respect of Mr. H.N. Naik at Exb. E-9 colly. The memorandum states that Mr. H.N. Naik is selected for the post of Operator Grade II and he will undergo training for a period of three months. The appointment letter states that on having completed the training successfully he is appointed as Operator Grade II w.e.f. 30-12-1980. The employer has also produced the memorandum dated 30th September 1982 and the appointment letter dated 1st January 1983/29th January 1983 in respect of Mr. G. Munishwar at Exb. E-10 colly. The memorandum states that Mr. G. Munishwar is selected for the post of Operator Grade I and he will undergo training for a period of three months. The appointment letter states that having accepted the offer of appointment for the post of Operator Grade I, he is appointed as Trainee Operator Grade I. Memorandums and the letters of appointment show that a copy of the same was sent to the Dy. Chairman and Chairman of S.S.C. that is, Staff Selection Committee. The Union's witness Mr. Joseph Gonsalves in his cross examination has admitted that in the case of promotion, the selection is made by D.P.C., that is, Departmental Promotion Committee. Therefore if the appointment of Mr. H.N. Naik and Mr. G. Munishwar to the post of Operator Grade II and Grade I was by promotion, the copy of the memorandums and appointment letters would not have been sent to the Staff Selection Committee. The memorandums and appointment letters produced by the employer show that the appointment of Mr. H.N. Naik and Mr. G. Munishwar to the post of Operator Grade II and Grade I respectively was

by recruitment and not by promotion. No evidence has been produced by the union to show that any technician or any other employee was promoted to the post of Operator Grade II. In my view the union has failed to prove that prior to the amendment of the recruitment rules in the year 1991 the filling of the post of Operator Grade II was by promotion from the post of Technician and not by way of direct recruitment. The recruitment rules produced at Exb. E-16 and the memorandums and appointment letters of Mr. H.N. Naik and Mr. G. Munishwar prove that the filling up of the post of Operator Grade II was by direct recruitment only prior to the amendment of the rules in the year 1991.

11. The demand of the union is for considering the Technicians to the post of Operator Grade II. It has been held by me that prior to the amendment of the recruitment rules in the year 1991, the filling of the post of Operator Grade II was not by promotion but was by direct recruitment. Therefore there was no vested right of promotion conferred on the Technicians or for that matter on any other employee to the post of Operator Grade II. It is in evidence that the employer had issued a circular dated 23-5-1988 calling for the applications for the post of Operator Grade II. The said circular has been produced at Exb. W-3 by the union. As per the said circular the applications were invited from Departmental candidates. According to the union the workmen in the present reference had applied for the said post because they were possessing required qualification and experience. The employer's witness Shri Rao stated in his cross examination that he could not find any application made by the workmen in the records pursuant to the said circular dated 23-5-88 Exb. W-3. He however stated that all applications which were received by the employer pursuant to the said circular were kept in abeyance. The union's witness Shri Anthony Gonsalves has admitted that pursuant to the circular dated 23-5-88 the posts of Operator Grade II were not filled. The employer's witness Shri Rao denied in his cross examination that the filling of the post of Operator Grade II was kept in abeyance because the 45 workers, that is, Party II(b), mentioned in the chart Exb. E-11 were not eligible for the said post. He stated that the filling of the post of Operator Grade II was kept in abeyance because of the reasons mentioned in para 3 of his affidavit evidence. In para 3 of the affidavit, Shri Rao has stated that sometime in late eighties the Attendant Grade I started agitation for being considered to the post of Operator Grade II. He has stated that as an Operator one has to handle very costly and sophisticated machinery and also there was substantial difference in pay scales of Attendants Grade I which is a group 'D' post and Operator Grade II which is group 'C' post and therefore it

was decided to create an intermediate post of Operator Grade II (trainee) with the condition that one should complete 3 years training period in that post to be eligible for the promotion to the post of Operator Grade II. He has produced the letter dated 20th January 1991 at Exb. E-3 of the Government of India, whereby the Govt. has granted approval for downgrading the posts of Operator Grade II to the post of Operator Gr. II (Trainee) in the payscale of Rs. 1205—2030 to that of Operator Gr. II (Trainee) in the payscale of Rs. 1075-1580 and for introduction of new designation to that of Operator Grade II (trainee) in the payscale of Rs. 1075-1580. He has also produced the office order dated 30th April 1991 at Exb. E-11 issued by the employer informing that permission has been obtained from the Government for degrading the post of Operator Grade II in the payscale of 1075-1580 and for introduction of a new designation namely Operator Gr. II (trainee) in the payscale of 1075—1580 and further that it was agreed to fill the newly created post of Operator Grade II (trainee) as per the recruitment rules framed and to amended recruitment rules to the post of Operator Gr. II, he has produced the amended recruitment rules to the post of Operator Grade II at Exb. E-7 colly. These are the same rules which have been produced by the union's witness Mr. Gonsalves at Exb. W-2 colly. As per these amended rules which were framed in the year 1991 after the creation of the posts of Operator Grade II (trainee) the filling of the post of Operator Grade II was by promotion falling which by direct recruitment and the promotion to this post of Operator Grade II is from the post of Operator Grade II (trainee) having minimum 3 years experience as Operator Grade II (trainee). This shows that only those persons could be promoted from the post of Operator Grade II (trainee) to the post of Operator Grade II having minimum 3 years experience in that post. The recruitment rules produced at Exb. E-7 colly also show that the filling of the post of Attendant Grade I is by way of promotion from the post of "Khalash" and the filling of the post of Operator Grade II (trainee) is by way of promotion from the post of attendant Grade I having minimum 5 years experience in that post. The recruitment rules produced at Exb. E-7 colly also show that the Attendant Grade I were eligible for dual channel of promotion, one from the operational side and the other from the maintenance side. Promotions from maintenance side is from the post of Attendant Grade I to the post of Assistant Technicians; from the post of Assistant Technicians to the post of Technicians Grade II. from the post of Technicians Gr. II to the post of Operator Grade I. Mr. Rao has stated in his evidence that one time option was given to the Attendants Grade I by circular dated 8-5-91 and they were asked to give in

writing their willingness to be considered for promotion either for the post of Operator Grade II (trainee) or Assistant Technician i.e., on operational side or maintenance side and they were informed that, once option was exercised by them it was final and not changeable. He has produced the said circular at Exb.E-4. The said circular supports the contention of Shri Rao regarding the exercising of options by Attendant Grade I as stated above by him. He has produced the letter at Exb.E-5 colly given by the Attendants Grade I exercising their options. The said letters of option show that the workmen - Party II (b) had opted for the post of Operator Grade II (trainee), for being considered for promotion on the operation side. The union has not challenged the documents produced by the employer namely the office order Exb. E-2 informing regarding the granting of permission by the Government for creation of the post of Operator Grade II (trainee), by degrading the post of Operator Grade II, the letter dated 20th January 1991 Exb E-3 of the Government of India approving the creation of the post of Operator Grade II (trainee) by downgrading the post of Operator Grade II, the circular dated 8-5-91 Exb. E-4 asking the Attendants Grade I to exercise option for being considered for promotion either on operation side or maintenance side i.e. Operator Grade II (trainee) or Asst. Technician, the letters Exb. E-5 colly by the Attendants Grade I exercising options and the recruitment rules Exb. E-7 colly which include the amended recruitment rules for the post of Operator Gr. II.

12. The evidence which is discussed above shows that prior to the amendment of the recruitment rules in the year 1991 there was no promotion to the post of Operator Grade II from the post of Attendant Grade I but the promotion was to the Post of Asst. Technician and then to the post of Technician Grade II and the filling of the post of Operator Grade II was only by way of direct recruitment. It is only when the recruitment rules were amended in the year 1991 that the filling of the post of Operator Grade II was made by way of promotion and the promotion to the post of Operator Grade II was from the post of Operator Grade II (Trainee). This post of Operator Grade II (Trainee) was newly created with the approval from the Government of India. The employer's witness Mr. Rao has produced the letter dated 14th October, 1989 at Exb. E-12 which was referred to by the Government of India in its letter dated 20th January, 1991 Exb. E-3 approving the creation of the post of operator Grade II (Trainee). In the letter dated 14th October, 1989 Exb. E-12 the employer had requested for permission to down grade the post of Operator Grade II and to create new posts of Operator Grade II (trainee). The said

letter shows that the Govt. did not accept the proposal of the employer for upgradation of the 60 posts of Attendants to the post of Asst. Operators on the ground that it would not be in the interest of the Operational vacancy of MOHP to promote Attendant to Asst. Operator when proper training and necessary qualification is lacking and the Government suggested that those Attendants possessing qualifications may be given necessary training and then they may be considered for the post of Operator Grade II. Therefore in view of the rejection of the proposal made by the employer and suggestion made by the Government, the employer proposed to downgrade some posts of operator Grade II and designate them as Operator Grade II (Trainee) who had to undergo training for a period of three years in the Operation and handling of MOHP equipments/ machines which were sophisticated. The union's witness Mr. Gonsalves has stated in his cross that the main work of the Operator is to operate the machines and that of the Technicians is to look after and repair the machines and attend to the fault of the machines. Therefore the post of Operator Grade II (Trainee) was created so that the Operator gets training before he can be appointed to the post of Operator Grade II. Since the work of the Operator was to operate the machines and the work of the Technician was to maintain and repair the machines, the employer provided for two separate channels of promotion, one of the operational side and the other from the maintenance side from the post of Attendant Grade I. The union's witness Mr. Gonsalves has admitted in his cross that in the year 1991 the workmen/Party I were not holding the post of Attendants but they were promoted to the post of Asst. Technicians/Technicians and the work man had accepted the promotions given to them. The representations of the technicians dated 21st December, 1991 Exb. W-5, the memorandum dated 17-6-1991 Exb. W-6 of the employer and the representation dated 14-1-1993 Exb. W-7 of the union to the employer show that the technicians and the union were aware that the recruitment rules for filling the post of operator Grade II were amended and the Operators Grade II (trainee) were made eligible for promotion to the post of Operator Grade II. These rules were never challenged by the Technicians or by the union at any time. This fact is admitted by the union's witness in his cross examination. In his cross he has stated that no specific objections were raised by the union to the amendment of the recruitment rules. In this reference also no objection whatsoever has been raised by the union to the amended recruitment rules. Neither in the statement of claim nor in the rejoinder the union has challenged the amended recruitment rules, which provides for promotion to the post of

Operator Grade II from the post of Operator Grade II (trainee) and not from the post of Technician. The amended recruitment rules are still in existence and are in force, and in terms of the said rules the Technicians cannot be promoted to the post of Operator Grade II. In fact the Union's witness Mr. Gonsalves has stated in para 16 of his affidavitary evidence that in respect of those who have been already promoted their claim for consideration for the post of Operator Grade II does not arise. He has admitted in his cross that at the time when the circular dated 23-5-88 Exb. W-3 was issued that is, calling for the options from the Attendants, most of the workmen/ Party I were promoted as Asst. Technicians and some were promoted as Technician Grade II. Besides, the employer has produced a chart at Exb. E-14 showing the date of initial appointment of the workmen and the dates of their subsequent promotions. This chart is admitted by the union. This chart shows that before the recruitment rules were amended in the year 1991 most of the workmen were promoted to the post of Technician Grade II, and a few were promoted to the said post subsequently. The chart also shows that subsequent to the amendment of the rules in the year 1991 some workmen were promoted to the post of Technician Grade I from the post of Technician Grade II. This shows that the workmen had accepted the promotions given to them as Technicians Grade II. Technicians Grade I even subsequent to the amendment of the recruitment rules. It is the contention of the union that as far as the Technicians are concerned there is stagnation and hence injustice is caused to them. I do not agree with this contention of the union. The employer has produced a chart at Exb. E-6 colly showing the hierarchy in the existing promotional avenue of Operators on Operational side. This chart is admitted by the union. This chart shows that on the Operational side the promotion is from Khalasi to Attendant Grade I; from Attendant Grade I to Operator Grade II (trainee); from Operator Grade II (trainee) to Operator Grade II; from Operator Grade II to Operator Grade I and from Operator Grade I to Sr. Operator Grade I. In respect of the Technician(Mech) on the maintenance side, the promotion is from Khalasi to Attendant Grade I; from Attendant Grade I to Asst. Technician; from Asst. Technician to Technician Grade II; from Technician Grade II to Technician Grade I; from Technician Grade I to Supervisor Grade I; from Supervisor Grade I to Asst. Foreman and from Asst. Foreman to Foreman. In respect to the Technicians, Belt Vulcanising (BV) the promotion is from Khalasi to Attendant Grade I from Attendant Grade I to Asst. Technician; from Asst. Technician to Technician Grade II; from Technician Grade II to Technician Grade I and Technician Grade I to Supervisor Grade I; from Supervisor Grade I to Jr. Engineer (Mechanical) or Asst. Foreman (Mech) and from them to Fore-

man (Mech). In respect of the Technicians (Electrical) the promotion is from Khalasi to Attendant Grade I from Attendant Grade I to Asst. Technician from Asst. Technician to Technician Grade II; from Technician Grade II to Technician Grade I; from Technician Grade I to Supervisor Grade I; from Supervisor Grade I either to Jr. Engineer or Asst. Foreman and from him to Foreman. It can be thus seen that as regards the category of technicians there is no stagnation as sought to be made out by the union. From the post of Attendant Grade I the Technicians have as many as five promotional Avenues and he can go upto the post of Foreman.

13. It is the contention of the union that the Tribunal has powers to interfere with the recruitment rules. In support of this contention the union has relied upon various judgments referred by me earlier. In the notes of arguments submitted by the union the relief which has been claimed by the union is that of directing the employer to frame appropriate set of recruitment rules providing suitable promotional avenues and fit them in the appropriate scales and grades in the new channel retrospectively, or in the alternative directing the employer to frame rules/norms in consultation with the workmen or their representative under the direction, supervision or control of the Labour Commissioner providing suitable promotion avenues and fit them in appropriate scales and grades in the new channel retrospectively. In the first place the union never objected to the recruitment rules framed by the employer for filling the post of Operator Grade II in the year 1991. This is admitted by the Union's witness Mr. Gonsalves in his cross examination. The union has not challenged the existing recruitment rules in the present reference. There are no pleadings to this effect either in the statement of claim or in the Rejoinder. The pleadings are to the effect that the Technicians should be considered for promotion to the post of Operator Grade II. I have gone through the authorities relied upon by the union. In the absence of pleadings from the union challenging the recruitment rules the authorities relied upon by the union in support of its contention that the Tribunal has powers to interfere with the recruitment rules, have no application in the present case. Even otherwise the said authorities do not indicate that the Industrial Tribunal has the powers to set aside the recruitment rules framed by the employer and direct the employer to frame the recruitment rules in a particular manner. Adv. Shri Navelkar, the learned counsel for the employer has relied upon the judgment of the Supreme Court in the case of Mullikarjuna Rao (supra). In this case the Supreme Court has held that it is neither legal nor proper for the High Courts or the Administrative Tribunals to issue directions or advisory sermons to

the executive which is exclusively within the domain of the executive under the constitution. The Supreme Court held that the courts cannot usurp the functions assigned to the executive under the Constitution and cannot even directly or indirectly require the executive to exercise its rule making power in any manner. The Supreme Court held that the courts cannot assume to itself a supervisory role over the rule making power of the executive under Article 309 of the Constitution. In my view the same principles would apply in the present case. In the case of **Raghuvir Singh Yadav & Others** relied upon by **Adv. Shri Mendes**, representing the workmen/Party II(b) the Supreme Court in para. 4 of the Judgment has held as follows:

“It is settled law that the State has got power to prescribe qualifications for recruitment. Here is a case that pursuant to Amended Rules, the Government has withdrawn the earlier notification and wants to proceed with the recruitment afresh. It is not a case of any accrued right. The candidates who had appeared for the examination and passed the written examination had only legitimate expectation to be considered of their claims according to the rules then in vogue. The amended rules have only prospective operations. The Government is entitled to conduct selection in accordance with the changed rules and make final recruitment. Obviously no candidate acquired any vested right against the State. Therefore, the State is entitled to withdraw the notification by which it had previously notified recruitment and to issue fresh notification in that regard on the basis of the amended rules.

The above principles laid down by the Supreme Court squarely apply to the present case. Prior to the amendment of the recruitment rules in the year 1991, the filling of the post of Operator Grade II was by direct recruitment. Therefore the Technicians did not have any vested right against the employer for being promoted to the post of Operator Grade II. The post of Operator Grade II was made promotional only in the year 1991 by amending the recruitment rules which was within the right of the employer and it was done with the approval of the Government of India. The employer is therefore entitled to fill up the post of the Operator Grade II by promotion in accordance with the amended rules. As per the amended rules the Technicians are not entitled to promotion to the post of Operator Grade II. Prior to the amendment of the rules no right of promotion to the post of Operator Grade II had accrued in favour of the Technicians. The union's witness Mr Gonsalves has stated in his cross examination that the grievance of the union is that the

Operator Grade II (trainee) rises to the post of Sr-Operator Grade I which is on the equivalent scale of Foreman much faster because of lesser steps in hierarchy and also that there are more vacancies in the operators side than in the maintenance side. In the case of **Chandrakant Kulkarni and others (supra)** relied upon Adv. Shri Mendes, the Supreme Court has held that mere chances of promotion are not conditions of service and that the fact that there was reduction in the chances of promotion did not tantamount to a change in the condition of service. The Supreme Court has held that a right to be considered for promotion is a term of service, but mere chances of promotion are not. In the light of what is discussed above, I am of the view that the Technicians are not entitled for promotion to the post of Operator Grade II. I therefore hold that the union has failed to prove that its demand for considering the Technicians for promotion to the post of Operator Grade II is justifiable. In the circumstances, I answer the issue no. 1 in the negative.

14. Issue nos. 1-A and 1-B : In the present case evidence has been led only by the union and the employer. Workman/Party II (a) and Workmen/Party II (b) have not led evidence in the matter. However the employer has produced a chart at Exb. E-11 showing the date of initial appointment, date of promotion as Operator Grade II (trainee), date of promotion as Operator Grade II and date of promotion as Operator Grade I of the Workmen/Party II (a) and Workmen/Party II (b). This chart is not disputed by the union. It shows that the Workmen/Party II (a) and Workmen/Party II (b) were first promoted to the post of Operator Grade II (Trainee) and thereafter from the said post they were promoted to the post of Operator Grade II. Their initial appointment was to the post of Attendant Grade I. Their promotions were subsequent to the amendment of the recruitment rules in the year 1991. The union's witness Mr. Gonsalves has admitted in his cross examination that the workmen/Party II (a) and workman/Party II (b) were promoted to the post of Operator Grade II (trainee) after the year 1991 and that the Attendants had exercised their options in terms of the circular dated 8-5-91 Exb. W-4. He has admitted that after the options were exercised the attendants were promoted to the post of Operator Grade II (trainee) on Operational side. The above evidence therefore shows that the promotion of the Workmen/Party II (a) and Workmen/Party II (b) to the post of Operator Grade II was in accordance with the recruitment rules framed by the employer. This being the case their promotion to the post of Operator Grade II becomes just and legal.

I therefore hold that the Workmen/Party II (a) and Party II (b) have succeeded in proving that their promotion to the post of Operator Grade II is just and legal and hence I answer the issue nos. 1-A and 1-B in the affirmative.

15. Issue No. 2 : It has been held by me that the demand made by the union for considering the Technicians to the post of Operator Grade II is not justified. It has been also held by me that the promotion of the workmen/Party II(a) and Party II (b) to the post of the Operator Grade II is just and legal. This being the case I hold that the Workmen/Technicians are not entitled to any relief. I, therefore, answer the issue no. 2, in the negative.

In the Circumstances I pass the following order.

ORDER

It is hereby held that the demand of the Mechanical Ore Handling Plant (Plant) Technicians' Associations that the Technicians should also be considered for promotion to the post of Operator Grade II is not justified. It is hereby further held that the Workmen/Technicians are not entitled to any relief.

No order as to costs. Inform the Government accordingly.

AJIT J. AGNI, Presiding Officer

नई दिल्ली, 24 दिसम्बर, 2002

का.का. 233—आईडीपीक विवाद, अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार अन्ध्रा बैंक के प्रबन्धनात्मक के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आईडीपीक विवाद में केन्द्रीय सरकार आईडीपीक अधिकारण/अमन्याधारण लड्डनक के पंचाट (संदर्भ संख्या 115/2001) की प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं.एल.-12011/98/2001-आई.आर.-(वी.-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 24th December, 2002

S.O. 233.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 115/2001) of the Central Government Industrial Tribunal cum LC, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 23-12-2002.

[No. L-12011/98/2001-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, LUCKNOW

PRESENT :

Rudresh Kumar, Presiding Officer

I.D. No. 115/2001

Ref. No. L-12011/98/2001-IR(B-II) dated 10-7-2001

BETWEEN

The General Secretary,
Andhra Bank Employees Union
(UP) C/o Andhra Bank,

Begum Bridge Road,
Meerut (U.P.)

(espousing cause of Rajpal Singh)

AND

The General Manager,
Zonal Office,
Andhra Bank,
15/A-13, W.E.A. Ajmal Khan Road,
Karol Bagh,
New Delhi-110015.

AWARD

By order No. L-12011/98/2001-IR(B-II) dated 10-7-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and Section 2(A) of Section of the I.D. Act, 1947 (14 of 1947) referred this industrial dispute between the General Secretary, Andhra Bank Empls. Union, C/o Andhra Bank, Begum Bridge Road, Meerut and the General Manager, Zonal Office, Andhra Bank, 15/A-13, W.E.A. Ajmal Khan Road, Karol Bagh, New Delhi for adjudication.

The reference under adjudication is as under :

1. Whether the action of the Management of Andhra Bank in not paying full pay and allowance for the period of suspension of Rajpal Singh, Guard from 11-3-95 to 7-8-98 inspite of the order of acquittal by trial court is legal and justified ? If not, what relief is he entitled to ? (2) Whether the action of the Management in with holding of annual increments of Rajpal Singh from 1995 to 1998 is justified ? If not, what relief is he entitled to ?

2. Raipal Singh, the workman, was appointed as Security Guard in the services of Andhra Bank w.e.f. 30-10-85. He was posted at Ghaziabad in the year 1995. He was placed under suspension by a written order dated 4-3-95 as he was involved in grave offences of moral turpitude under Section 302/34 IPC. The above said suspension order dated 4-3-95 was slightly modified by letter dated 21-3-95.

3. Admitted case, is, that the workman was involved in a double murder case with his wife, committed on 30-12-94 at his native place. He was in official custody incarcerated in jail from 30-12-94 to 7-2-96. He did not inform the management of the bank about his involvement in the criminal case or his lodging in jail for about 48 days. After release on bail, he sought leave for the said period on the ground of domestic urgencies. The management placed him under suspension on 4-3-95 as mentioned above.

3A. The workman and his wife faced Session trial No. 108 of 1998 and was acquitted on 16-6-98, as the prosecution witnesses were treated hostile and there was no substantive evidence. After his acquittal, the workman represented on 22-6-98 for his reinstatement, recalling suspension order. The management by its letter No. 682/20120/1177 dated 4-8-98, decided not to proceed departmentally in view of acquittal in session case 108/98 and recalled order of suspension dated 4-3-95. He was advised to report for duty at Zonal Office, New Delhi, within a week of receipt of this order dated 4-8-98 which stated categorically that revocation of suspension order will come into effect from the date on which he reported for duty at Zonal Office, New Delhi. The management

of the Andhra Bank by letter dated 19-11-98, informed the workman that his acquittal not being clean, simply on the ground that witnesses turned hostile, there existed no justification to allow him full wages and other benefits for the period of his suspension. The bank, however, permitted period of suspension to be treated as active service for all other purposes. Thereafter, the workman made representations claiming full wages, increments, and other allowances for the period of suspension to which the management was not agreeable and so, this industrial dispute is raised.

4. The Andhra Bank has contested the claim stating that wages for the period in which the workman did not render any service can not be allowed to him on the principle of 'No Work No Pay'. Further, that the workman was not acquitted honourably, and so the competent authority was justified in not releasing the wages. The bank, however agreed to release increments treating it notional, payable from the date of joining on recalling of suspension. The management asserted that the workman concealed the fact of his involvement in grave criminal offence of double murder and his being incarcerated in jail since 30-12-94 to 7-2-95. Such conduct on the part of the workman is misconduct under the service rules.

5. The facts are admitted that the workman did not render any service to the bank from 30-12-94 till such date he joined after his acquittal. The central issue is, whether the acquittal is honourable. The contention of the management is that the workman was acquitted on the ground that the witnesses turned hostile and did not substantiate prosecution version. The circumstances and other corroborative evidence justify involvement of the workman. Headmitted genuineness of all prosecution documents including the recital of facts in FIR. All the three eye witnesses were minor daughters and son of the deceased who preferred to corroborate incident but denied to have seen the workman and his wife. The murder was committed inside the house of the deceased. The court did not disbelieve prosecution version and acquitted in absence of substantive evidence. The view of the management of the bank that the acquittal was not clean seems to be correct and in this background the denial of wages for the suspension period can not be faulted.

6. Denial of wages for non working period during suspension is justified on the principle of 'No Work No Pay'.

7. Reliance is placed on the decision of the Hon'ble Supreme Court, in Reserve Bank of India, New Delhi Vs. Bhopal Singh Panchal, reported in AIR 1994 Supreme Court 552. The Hon'ble Supreme Court held that on suspension an employee arrested for criminal offence, does not automatically becomes entitled to full pay and allowance for suspension period. In such matters discretion rests exclusively with the bank. The ratio of the said decision, is fully applicable in the present case. The bank reinstated the workman on acquitted, but denied wages for the period of non-rendering any service. He had not offered to render service after his release on bail, and so, the principle of 'No Work No Pay' is also applicable in the facts and circumstances of the case. The workman is not entitled to wages for the period of non rendering any service in the suspension period. The reference No. 1 is adjudicated against him.

8. As regards reference

2. "Whether the action of the management in withholding annual increments of the workman from 1995-98 is justified"?

The management has agreed in its written statement to grant notional increments falling during the period of suspension, for the purposes of fixing his pay on his joining. The workman, otherwise too, is entitled to increments as continuity in service has already been granted without denying increments. As no enquiry is to be held, the workman can not be denied increments which may amount to punishment. While adjudicating reference No. 1, this Tribunal has already held the workman not entitled in pecuniary benefits in shape of back wages etc. and so, the grant of increments has to be notional for entitlement to future wages after recalling the suspension order.

9. Accordingly, reference No. 2 is adjudicated in favour of the workman to the extent that he will be entitled to release

of annual increments from 1995-98 but will not be entitled to arrears forming part of the back wages.

Award as above.

RUDRESH KUMAR, Presiding Officer

LUCKNOW :
18-12-2002

नई दिल्ली, 24 दिसम्बर, 2002

का.आ. 234.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबन्धतात्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/थम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 129/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं.एन.-12013/110/98-आई.आर. (बी.-II)]
सी. गंगाधरन, अवर सचिव

New Delhi, the 24th December, 2002

S.O: 234.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 129/2001) of the Central Government Industrial Tribunal-cum-LC, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 23-12-2002.

[No. L-12013/110/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 25th November, 2002

PRESENT :

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 129/2001

(Tamil Nadu State Industrial Tribunal I.D.
No. 90/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the management of Indian Bank and Indian Bank Employees Union, Chennai.)

BETWEEN

The General Secretary,
Indian Bank Employees Union,
Chennai.

... I Party/Claimant.

AND

The General Manager,
Indian Bank, Chennai,
(International Airports Division)
Chennai Airport, Chennai. II Party Management.

APPEARANCES :

For the Claimant.—Sri K. J. Arunachalam,
Authorised Representative.

For the Management.—M/s. Aiyar and Dolia,
R. Arumugam and N. Krishnakumar,
Advocates.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned industrial dispute for adjudication vide Order No. L-12013/110/98/IR(B-II) dated 28th March, 2001.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where the same was taken on file as I.D. No 90/99. When the matter was pending enquiry in that Tribunal, Government of India, Ministry of Labour was pleased to order transfer of this case also from the file of Tamil Nadu State Industrial Tribunal to this Tribunal for adjudication. On receipt of records from that Tamil Nadu State Industrial Tribunal, this case has been taken on file as I.D. No. 129/2001 and notices were sent to the I Party/Claimant and the counsel on record for the II Party/Management, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 1-2-2001 and to prosecute this case further. Accordingly, the authorised representative and learned counsel for the II Party/Management have appeared and prosecuted this case further.

Upon perusing the Claim Statement, Counter Statement, the rejoinder filed by the I Party/Claimant, the documentary evidence let in on the side of the I Party/Claimant alone, the other material papers on record, after hearing the arguments advanced by the authorised representative for the I Party/Claimant and the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above mentioned order of reference by the Central Government for adjudication by this Tribunal is as follows :—

“Whether the action on the part of the management of Indian Bank to impose the penalty of reduction of pay by one stage in the scale of pay on Sri V. Shanmugam, Sub-staff is just and legal? If not, what relief is the workman entitled to ?”

AND

“Whether the Appellate Authority in the bank management is justified to turn down the appeal preferred by the workman against

the order of punishment on the ground of belated submission of the appeal? If not, what relief is the workman entitled to ?”

2. The averments in the Claim Statement filed by the I Party/Claimant Indian Bank Employees Union (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner Union has raised this dispute espousing the cause of the workman Sri V. Shanmugam who was working as a sub-staff in the II Party/Management Indian Bank working at Abishekapattni branch. When the concerned workman was working at Palayamkottai branch, he has discounted three cheques for Rs. 250 and Rs. 300 without maintaining sufficient funds in his S.B. A/c. No. 11764. Subsequently, when the lapses were pointed out, the workman regularised this accounts. Yet, the II Party/Management initiated disciplinary proceedings classifying the act of discounting of cheques as an act of misconduct falling under the clause 19.5(j) of Bipartite Settlement. The classification of the charge was contested even at the initial stage of the enquiry proceedings against the workman as the charge was not maintainable, due to non-application of mind to various objections/submissions. The findings of the Enquiry Officer suffer from serious infirmities. Based on the defective findings of the Enquiry Officer, the punishment awarded to the workman is unjust and without any basis. The II Party/Management has not only recovered the amount from the workman but also charged interest thereon at the commercial rate as applicable to customers. The Disciplinary Authority through his order dated 30-6-95 imposed the punishment of reduction of pay by one stage in the workman's present scale of pay which is vague and not specific. Further, the concerned workman was transferred from Palayamkottai branch to Gulasekarapatnam branch even before the imposition of punishment but making a reference in the order of transfer to the effect that the transfer has been effected consequent to imposing the punishment for gross misconduct. This act on the part of the II Party/Management exhibits the unwarranted prejudice against the workman. The concerned workman's appeal preferred against the order was rejected by the Appellate Authority on technical grounds as time barred. Then the Petitioner Union raised an industrial dispute against the punishment as well as the transfer effected even before the imposition of the punishment. The rejection of the appeal by the Appellate Authority without considering on merits is an unfair and unjust. The punishment imposed on the concerned workman. Sri V. Shanmugam is illegal and unjust. It is harsh and excessive and also disproportionate to the charge levelled against the employee. The transfer effected even before inflicting the punishment on the workman is an indicative of the fact that the Disciplinary Authority was biased and pre-determined to punish the workman. Therefore, the punishment is illegal and not maintainable. Hence, it is prayed that this Hon'ble Tribunal may be pleased to pass an award holding that the action of the Respondent/Bank in imposing the punishment to the concerned workman is not justified, consequently directing the Respondent/Bank to restore the same and to grant all other monetary benefits with all attendant benefits and with costs.

3. The averments in the Counter Statement filed by the II Party|Management Indian Bank (hereinafter refers to as Respondent) are briefly as follows :—

Discounting cheques by Sri V. Shanmugam knowing fully well that his account at Shankarankoil branch did not have sufficient funds amounts to gross misconduct and it is abusive of his position as the employee of the bank. When the lapses were pointed out, the employee had regularised the account. There is no provision in the Bipartite Settlement to ignore the lapses committed by the employee, when one such lapses are set right by the employee. The gravity of the misconduct committed by the concerned workman will not be absolved once he set right the lapses after pointing out to him. Sri V. Shanmugam by virtue of his employment in the bank exploited the situation and discounted the cheques without providing sufficient funds in his account. Knowing fully that he does not have sufficient balance discounted the cheque and draw the money|benefit for which he is not entitled and such an act clearly shows the behaviour of an unbecoming employee. Therefore, it would be most appropriate to classify the misconduct as doing an act prejudicial to the interest of the bank under clause 19.5 (j) of the Bipartite Settlement. Admittedly, the employee had committed the misconduct. The Enquiry Officer gave reasons for over-ruling the preliminary objections made by the defence representative in the domestic enquiry, in the findings also, he had given the reason for upholding the classification of the misconduct committed by the employee as misconduct. Pending conciliation, the matter was placed once again before the Appellate Authority and the Petitioner Union also submitted the plea for his consideration. The Appellate Authority after taking into consideration of their submission replied to the Petitioner Union that the employee was already given sufficient time to submit his appeal as a special case and even then the appeal was submitted by him belatedly and that the Appellate Authority do not find any extenuating circumstances to reconsider the said appeal. As per the existing policy the bank had completed the formality of recovering the amount together with interest therein while dealing with the cases of discounting cheques without providing sufficient funds in the account. As a result of recovery of the amount with interest, the bank has not lost its inherent right to initiate departmental proceedings against the employee for the lapses committed by him viz. drawing funds from his account for which he is not entitled. The punishment was imposed for the gross misconduct committed by the employee as per the normal procedure followed by the Respondent|Bank. Once the gross misconduct committed by the employee is established, the delinquent employee will be transferred from the place of working, which is the administrative function of the Zonal Manager. As per the Sastry Award, the employee is liable for transfer in anywhere within the linguistic area, the Disciplinary Authority and the administrative action are two different activities. As per the Bipartite Settlement provisions under clause 19.14 the aggrieved employee may prefer an appeal within 45 days from the date of original order by the Disciplinary Authority. The order of punishment imposed by the Disciplinary Authority is on 30-6-95. Permissible period under Bipartite Settlement to prefer appeal

within 45 days 15-8-95 at the specific request of the employee, the Appellate Authority granted further time upto 31-8-95, but the appeal received by the Appellate Authority on 6-10-95. From this it is evident, the Appellate Authority has not rejected his appeal immediately on completion of 45 days as provided in the Bipartite Settlement but he had extended the time for appeal upto 31-8-95 at the specific request of the employee. In the communication, it was categorically informed to the employee that no further extension would be given beyond 31-8-95. The employee was not only given time beyond 45 days but also intimated that no further extension of time will be given beyond 31-8-95. Hence, rejection of appeal by the Appellate Authority will not be construed that it was rejected on technical grounds. The employee was given adequate opportunity beyond 45 days and even after giving extension of time since the employee did not file his appeal, it was rejected. At the request of the Petitioner Union the transfer order to Kulasekarapatnam was cancelled and the employee was posted to Abishekappatti nearer to Palayamkottai branch. The Petitioner Union having admitted the misconduct committed by the employee and secured posting to him within town limit is estopped from making further allegations. The punishment imposed on the employee by the Respondent|Bank is just, proper and legal. The punishment was imposed on Sri Shanmugam after conducting departmental enquiry and the punishment was awarded in terms of the provisions of Bipartite Settlement. The punishment of reduction of his pay by one stage is neither excessive nor disproportionate to the charges levelled against him. Once the misconduct is established, the delinquent employee will be transferred from the place of working which is an administrative action as per the normal function of the bank. Therefore, the allegation that the transfer was effected even without inflicting the punishment is vindictive and the Disciplinary Authority was biased and pre-determined to punish the workman is baseless and far from the truth. The action of the Respondent|Bank in imposing the said punishment to the concerned workman Sri V. Shanmugam is totally justified and legal. Hence, it is prayed that this Tribunal may be pleased to reject the reference by dismissing the claim of the Petitioner Union with cost.

4. The I Party|Petitioner Union has filed a rejoinder and the averments in that rejoinder are briefly as follows :—

The Respondent/Management has failed to spell and enumerate under what clause of Bipartite Settlement governing the service conditions of the bank employees such an act has been classified as a misconduct. Various Courts have held that when a misconduct has not been enumerated in the list of misconduct, the omnibus cause of prejudicial to the interest of the bank cannot be invoked. The Respondent/Management has not clearly spelt out as to how the act of the employee has prejudiced the interest of the bank. Any misuse or wrong use of any facility/concession which do not form part of service condition nor enumerated as misconduct cannot be construed as misconduct. At the best it can only be a relationship of banker and customer and it affects only private rights. The whole disciplinary proceedings initiated against the concerned workman is without jurisdiction and lacks bonafide. Hence, the punishment imposed upon the concerned workman is not sustainable either in law or on facts and the same calls for interference by the hands of this Hon'ble Tribunal. Charging of commercial rate of interest and not concessional rate applicable

to staff on the amount of discount cheques would evidence that the Respondent/Management has regularised the said transaction as per the practice prevalent in banker and customer relationship. After having recognised and recovered the interest and principal amount the Respondent/Bank cannot once again take recourse under disciplinary proceedings classifying it as a misconduct. The Appellate Authority has not applied his mind and disposed of the appeal with any speaking order. The management has not only imposed the punishment but also inflicted the transfer order posting the employee to the distant branch which is a clear act of double jeopardy. The Respondent/Management do not have any inherent right to initiate any disciplinary proceedings against the employee. Even a personal reading of para 7 of the Counter it could be inferred that the Respondent/Management cannot claim they have disposed of the appeal by application of mind. Hence, the action of the Respondent/Bank in imposing the punishment of reduction of pay by one stage to the employee Sri V. Shanmugam, sub-staff is not justified but illegal. Hence, it is prayed that this Hon'ble Court may pass an award directing the Respondent/Bank to re-transfer the concerned workman back to Palayamkottai branch and to restore him the reduction of increment unjustifiably imposed and to grant all necessary benefits with all attendant benefits.

5. When the matter was taken up for enquiry finally, no one has been examined as a witness on either side. 14 documents filed on the side of the I Party/Claimant were marked by consent as Ex. W1 to W14. No document has been marked as an exhibit on the side of the II Party/Management. The arguments advanced by the learned representative for the I Party/Claimant and the learned counsel for the II Party/Management were heard.

6. The Points for my consideration are—

"Whether the action on the part of the management of Indian Bank to impose the penalty of reduction of pay by one stage in the scale of pay on Sri V. Shanmugam, Sub-staff is just and legal? If not, what relief is the workman entitled to?"

AND

"Whether the Appellate Authority in the bank management is justified to turn down the appeal preferred by the workman against the order of punishment on the ground of belated submission of the appeal? If not, what relief is the workman entitled to?"

Point(s) :—

The I Party/Claimant Indian Bank Employees Union has raised this dispute espousing the cause of the concerned workman Sri V. Shanmugam challenging the action of the II Party/Management Indian Bank in imposing the penalty of reduction of pay by one stage in the scale of pay of Sri V. Shanmugam, sub-staff as unjust and illegal. It is admitted that Sri V. Shanmugam, sub-staff, had discounted two cheques for Rs. 250 and Rs. 300 respectively without maintaining sufficient balance in his S.B. Account No. 11764 at Sankarankovil branch of the Respondent Bank. For this act of the concerned workman, the Zonal Office, Trichy had issued a show cause notice dated 1-12-94 to the concerned workman Sri V. Shanmugam mentioning the such act if proved, will amount to doing an act prejudicial to the interest of the bank, a gross misconduct under clause 19.5(j) of the Bipartite Settlement dated 19-10-1966 and called upon the concerned workman to show cause within ten days from the date of receipt of that notice as to why disciplinary action should not be initiated against him. The xerox copy of that show cause notice dated 1-12-94 is Ex. W1. No reply for that show cause notice was given by the concerned workman to the Respondent/Management. So, a charge was framed by the Zonal Manager/Disciplinary Authority and one Mr. R. Ramabadrhan, Manager (Vig.) of Zonal Office, Trichy was appointed to conduct a departmental enquiry for the said charge levelled against the concerned workman. The same was informed to the Petitioner by a letter dated 18-1-95. The xerox copy of the same is Ex. W2. A departmental enquiry also was conducted against that workman, the charge sheeted employee and it was duly attended by the concerned workman with his defence representative. The xerox copy of the entire enquiry

proceedings is Ex. W3. It is also not disputed that the Enquiry Officer has submitted his report with his finding that the concerned workman is found guilty of the charge levelled against him. The Disciplinary Authority had sent a letter dated 17-5-1995 to the Petitioner with the copy of the Enquiry Officer's finding dated 29-3-1995 proposing punishment of reduction of the concerned workman's pay by one stage in his time scale as per clause 21(4)(c) of VI Bipartite Settlement dated 14-2-95 and called upon that workman to show cause within ten days from the date of receipt of that letter as to why the proposed punishment should not be imposed on him. The concerned workman was further informed in that letter itself to appear before the Disciplinary Authority for the personal hearing at his office at 11.00 a.m. on 29-5-95. The xerox copy of that letter dated 17-5-95 is Ex. W4. The enclosure of the same is the copy of the Enquiry Officer's findings dated 29-3-1995. It is not disputed that for the 2nd show cause notice dated 17-5-95 the concerned workman has not submitted his reply within the prescribed time but, he had attended the personal hearing before the Disciplinary Authority as directed and had made his submissions. After the personal hearing, the Disciplinary Authority imposed the punishment of reduction of the pay of the concerned workman by one stage in his then present scale of pay and had passed an order dated 30-6-95 to that effect. In the mean time, the concerned workman Sri Shanmugam sub-staff of Palayamkottai branch was transferred to Kulasekarapatnam branch by an order dated 13-6-95 of the Zonal Manager. The xerox copy of that order is Ex. W5. Then the concerned workman had given a representation dated 24-7-95 to the General Manager, Indian Bank, Madras informing him that he preferred to file an appeal against the order of punishment passed by the Disciplinary Authority and requested grant of 15 days time to submit his appeal. His written request by a letter dated 24-7-95 was made to the General Manager Indian Bank, Madras. The xerox copy of that letter is Ex. W6. The Branch Manager of Kulasekarapatnam has sent the copy of the punishment order dated 30-6-95 passed by the Disciplinary Authority along with his covering letter dated 2-8-95 to the Petitioner to his residential address at Tirunelveli. The xerox copy of the covering letter with the enclosure of the punishment order is Ex. W7. For the letter of the concerned workman dated 24-7-95 under the original of Ex. W6, the Chief Manager, Personnel Department, Central Office, Madras has sent a communication dated 2-8-95 to the concerned workman Sri Shanmugam informing him that the General Manager (PS) had allowed him time upto 31-8-95 for submitting his appeal and no further extension will be given beyond that period. The xerox copy of the letter dated 2-8-95 of Chief Manager, Central Office, Personnel Department is Ex. W8. The concerned workman has preferred an appeal to the Appellate Authority. It is undated. The xerox copy of the same is Ex. W9. The Appellate Authority has rejected the appeal for belated submission of the same by the concerned workman. Enclosing a copy of the Appellate Authority's order dated 5-12-95, the Assistant General Manager, Personnel Department of Central Office, Madras sent a letter dated 7-12-95 to the Manager of Indian Bank Palayamkottai branch requesting him to arrange to deliver the original order to the employee concerned. The xerox copy of that letter dated 7-12-95 is Ex. W12. In the meantime, Ukkirankottai branch of the Respondent/Bank sent a letter dated 12-9-95 to the Zonal Office, Trichy informing that the concerned workman has adjusted Rs. 300 he has discounted earlier by cheque. The xerox copy of the letter dated 12-9-95 is Ex. W10. Like that the Branch Office of Kanganangulam by its letter dated 13-9-95 informed the Zonal Office, Trichy of the Respondent/Bank that the concerned sub-staff Sri Shanmugam has adjusted Rs. 250 he had discounted earlier on 13-9-95 along with the interest charged thereon. The xerox copy of that letter is Ex. W11. It is also admitted that the I Party/Claimant Union has raised the dispute before the Regional Labour Commissioner (Central) after the rejection of the appeal of the concerned workman by the Appellate Authority and that the conciliation proceedings was ended in a failure and after the submission of report of the failure of conciliation by the Regional Labour Commissioner, the I Party/Claimant Union has submitted an appeal dated 9-4-98 to the Appellate Authority on behalf of the concerned workman Sri Shanmugam. The xerox copy of the same is Ex. W13. That appeal submitted by the I Party/Claimant

was rejected stating that the appeal preferred by the concerned workman was disposed of earlier on 5-12-95 itself. The xerox copy of the communication dated 29-4-98 by the Appellate Authority to the General Secretary of the I Party/Union is Ex. W14. Apart from these documents, no document has been filed on the side of the Respondent/Management. No one has been examined as a witness on either side.

7. The learned representative of the I Party/Union had advanced an argument that the fact that the concerned workman Sri V. Shanmugam, sub-staff had discounted two pay orders earlier and they were returned unpaid for insufficient funds in the account of the concerned workman and for that an enquiry was conducted after issuance of charge sheet. He would further contend that mere discounting of those cheques cannot be considered as a misconduct as alleged in the charge sheet and that too, classifying the act of discounting of cheques as an act of misconduct falling under clause 19.5(j) of Bipartite Settlement. He would further contend that the action of the bank management in transferring the workman from Palayamkottai branch to Kulasekarapatnam branch even before the imposition of punishment but making a reference in the order of transfer to that effect that the transfer has been effected consequent to imposing of punishment for a gross misconduct exhibits the unwanted prejudice against the concerned workman and the punishment imposed is illegal, unjust, harsh and excessive and also disproportionate to the charge levelled against the concerned workman and the transfer effected even before inflicting the punishment on the concerned workman is indicative of the fact that Disciplinary Authority was biased and pre-determined to punish the workman and the act of the concerned workman discounting the cheque in his account without having sufficient funds was considered as a gross misconduct by the Respondent/Bank Management even though such an act has not been classified in the clause of the Bipartite Settlement governing the service conditions of the bank employees and as per the Supreme Court rulings, when a misconduct has not been enumerated in the list of misconduct the omnibus clause of prejudicial to the interest of the bank mentioned in clause 19.5(i) of Bipartite Settlement dated 19-10-1966 cannot be invoked. Hence, mere classifying such misconduct under the said clause of the Bipartite Settlement is incorrect. When any misuse or wrong use of any facility or concession which do not form part of service condition nor enumerated as a misconduct cannot be construed as a misconduct and at the best, it can only be a relationship of the banker and a customer, and it affects only private rights. Hence, the punishment imposed upon the concerned workman is not sustainable and hence, requests this Tribunal to interfere in the punishment imposed by the II Party/bank management for the concerned workman Sri V. Shanmugam by directing the Respondent/Bank to re-transfer the workman to Palayamkottai branch and to respite the increment to him from the date the punishment of re-diction in his fav by one stage. He would further argue that the management has not only imposed the punishment but also inflicted a transfer order by posting the employee to the distant branch which is the clear act of double jeopardy and hence it is liable to be quashed.

8. The learned counsel for the Respondent/Management would argue that the concerned workman Sri V. Shanmugam knowing fully well that his account at Shankarankovil branch did not have sufficient funds had discounted the two cheques one for Rs. 250 and another for Rs. 300 and it is an abusive of his position as an employee of the bank and when that misconduct was pointed out, he had regularised his accounts and that the gravity of the misconduct committed by him will not be absolved when once the employee set right the lenses after pointing out to him. He would further argue that the said concerned workman by virtue of his employment in the bank exploited the situation and discounted the cheque without providing sufficient funds in his account and he withdrew that money knowing fully well that he does not have sufficient balance for the discounted cheque and had benefited for which he is not entitled. Therefore, the said misconduct was classified as a misconduct of doing an act prejudicial to the interest of the bank under clause 19.5(i) of the Bipartite Settlement. Hence, it cannot be said that the Enquiry Officer has given a defective finding and the Disciplinary Authority had acted by imposing the punishment on the concerned workman

on the basis of defective finding of the Enquiry Officer. When all the facts in respect of this misconduct committed by the concerned workman has been admitted and for that proved misconduct, the Disciplinary Authority has imposed the proper punishment and it cannot be considered to be harsh and excessive and disproportionate to the proved charge against the employee. Only as per the existing policy the bank had completed the formality of recovering the amount together with interest therein while dealing with the case of discounting cheques without providing sufficient funds in the accounts and the Respondent/Bank as per the normal procedure followed transfer the employee from the place of working to some other branch and once the gross misconduct is committed by the employee itself is established and the transfer of the charge sheeted employee from the place of working is only an administrative function of the Zonal Manager and as per the Shastry Award an employee is liable for transfer to anywhere within the linguistic area and that the Disciplinary Authority and the administrative action are two different activities and hence, it cannot be said to be a double jeopardy.

9. All these arguments advanced by the learned counsel for the Respondent/Management can be accepted as correct on the basis of the undisputed facts available in this case and on the basis of the documentary evidence. So, it cannot be said that the punishment imposed by the Disciplinary Authority is harsh or disproportionate to the gravity of the proved misconduct of the concerned workman and it also cannot be said to be a double jeopardy as alleged by the Petitioner Union.

10. It is alleged by the Petitioner Union that the employee's appeal was rejected by the Appellate Authority on technical grounds. It is not disputed that as per the Bipartite Settlement provisions under clause 19.14, the aggrieved employee may prefer an appeal within 45 days from the date of original order of the Disciplinary Authority. Here, in this case, the order of punishment was imposed by the Disciplinary Authority on 30-6-95, which was communicated to the concerned workman with the covering letter under Ex. W7. So the permissible period under Bipartite Settlement to prefer an appeal against the order of the Disciplinary Authority dated 30-6-95 is within 45 days i.e. on or before 15-8-1995. By a letter dated 24-7-95, the concerned workman has requested the Respondent/Bank Management to grant him 15 days time to submit his appeal. The xerox copy of the same is Ex. W6. For that a reply was given by the Respondent/Management by a letter dated 2-8-95 informing him that the Appellate Authority has granted him further time upto 31-8-95. The xerox copy of the letter dated 2-8-95 is Ex. W8. The concerned workman has submitted an appeal undated and the xerox copy of the same is Ex. W9. Mentioning this receipt of the undated appeal from the concerned workman, the Appellate Authority has passed an order dated 5-12-1995 stating that the appeal preferred by the concerned workman was received on 6-10-95 submitted belatedly and not within the specified time stipulated by the Bipartite Settlement or within the period of extension of time alone. The said order was sent to the Petitioner as an enclosure to the letter dated 7-12-95 under Ex. W12. So from all these things, it is evident the Appellate Authority has not rejected the appeal of the concerned workman immediately on completion of 45 days as provided for in the Bipartite Settlement, but he had extended the time upto 31-8-95 at the specific request of the concerned workman and he was informed categorically that no further extension of time would be granted beyond 31-8-95. So it cannot be said that the rejection of the appeal by the Appellate Authority was on technical grounds.

11. It is clearly stated in the Counter Statement that at the request of the Petitioner Union, the transfer order to Kulasekarapatnam was cancelled and the employee was posted to Abishekappatti nearer to Palayamkottai branch where from the concerned workman has been transferred for the proved misconduct as per the regular procedure adopted by the Respondent/Bank administration. It is also mentioned in the Counter Statement that the Petitioner Union having admitted the misconduct committed by the concerned workman and secured a posting to him within town limit, the Petitioner Union is estopped from making further allegations. This has not been denied by the Petitioner Union. Further it is seen from the available materials that the transfer of the concerned workman was effected

as per the normal procedure followed by the Respondent/Bank as an administrative action on the Zonal Manager. So it is quite different from the action of the Disciplinary Authority in awarding punishment for the proved misconduct of the concerned workman. So it cannot be construed as a double jeopardy as mentioned by the Petitioner Union. So, from all these things, it is seen that for the established misconduct of the concerned workman, he was transferred from the place of working, which is an administrative action as per the normal function of the bank and it cannot be considered to be an action of the Respondent/Management of inflicting the punishment as vindictive. The contention of the I-Party/Union that the Disciplinary Authority was biased and pre-determined to punish the workman is baseless as it is argued by the learned counsel for the Respondent/Management. The available materials clearly shows that the punishment was imposed on the concerned workman after conducting a departmental enquiry and the punishment was awarded in terms of the provisions of the Bipartite Settlement and the punishment of reduction of his pay by one stage is neither excessive nor disproportionate to the charges levelled against him. Hence, under such circumstances, it can be held that the action of the Respondent/Bank in imposing the punishment of reduction of his pay by one stage in his present scale of pay of Sri V. Shanmugam, sub-staff is justified and legal and hence, the concerned workman is not entitled to any relief and the Appellate Authority in the bank management is justified to turn down the appeal preferred by the workman against the order of punishment on the ground of belated submission of the appeal. Hence, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

12. In the result, an Award is passed holding that the concerned workman Sri V. Shanmugam, sub-staff is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th November, 2002).

K. KARTHIKEYAN, Presiding Officer
Witnesses Examined :

On either side—None.

Documents Exhibited :

For the I Party/Workman :

Ex. No.	Date	Description
Ex. W1	1-12-94	Xerox copy of the letter from Respondent Bank to concerned workman.
Ex. W2	18-1-95	Xerox copy to show cause notice issued to concerned workman.
Ex. W3	28-2-95	Xerox copy of the enquiry proceedings.
Ex. W4	17-5-95	Xerox copy of the 2nd show cause notice issued to concerned workman.
Ex. W5	13-6-95	Xerox copy of the transfer order issued to concerned workman.
Ex. W6	24-7-95	Xerox copy of the letter submitted by concerned workman to General Manager (PS).
Ex. W7	2-8-95	Xerox copy of the letter from Management to concerned workman enclosing punishment order dated 30-6-95.
Ex. W8	2-8-95	Xerox copy of the letter from Central Office of Respondent to concerned workman.
Ex. W9	Nil	Xerox copy of the appeal preferred by the concerned workman to Appellate Authority.
Ex. W10	12-9-95	Xerox copy of the letter from Ukkirankottai branch to Zonal Office, Trichy.
Ex. W11	13-9-95	Xerox copy of the letter from Kanganankulam branch to Zonal Office, Trichy.
Ex. W12	7-12-95	Xerox copy of the letter from Personnel Department to Manager Palayamkottai branch.

Ex. W13 9-4-98—Xerox copy of the letter from Union to General Manager and Appellate Authority.

Ex. W14 29-4-98—Xerox copy of the letter from Appellate Authority to Union.

नई दिल्ली, 24 दिसम्बर, 2002

का.आ. 235.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू मैंगलोर पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच; अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय, वैंगलोर के पंचाट (संदर्भ संख्या 31/87) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[सं.एल.-45011/18/83-डी.आई.वी. (ए)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 24th December, 2002

S.O. 235.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/87) of the Central Government Industrial Tribunal-cum-LC, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of New Mangalore Port Trust and their workman, which was received by the Central Government on 23-12-2002.

[No. L-45011/18/83-DIV(A)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT "SHRAM SADAN", III MAIN, III CROSS, II PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE

Dated : 12th December, 2002

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB., Presiding Officer, CGIT-Cum-Labour Court, Bangalore.

C.R. No. 31/1987

I PARTY :

The Secretary,
New Mangalore Port
Staff Association (HMS)
Administrative Building,
New Mangalore Port Trust,
Panambur,

II PARTY :

The Chairman,
New Mangalore Port Trust,
Panambur,
Mangalore-10.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred the dispute vide Order No. L-45011/18/83-D.IV(A) dated 27th April, 1985 for adjudication on the following schedule :

SCHEDULE

"Whether the Administration of New Mangalore Port Trust is justified in introducing 2 shift system in respect of operational staff in the Traffic department of New Mangalore Port Trust without paying any extra allowance/over time as is being paid in Cochin Port Trust? If not, to what relief the said workmen are entitled?"

"Whether the management of New Mangalore Port Trust is justified in not extending the Incentive Scheme to the categories of Tally Clerks, Traffic Inspectors and Assistant Traffic Inspectors, who are working along with Cargo handling Gang Workers? If not, to what relief the said workmen are entitled?"

2. New Mangalore Port Staff Association are the workmen in this dispute, New Mangalore Port Trust Management introduced two shift system and has not extended the Incentive Scheme to the categories of Tally Clerks, Traffic Inspectors and Assistant Traffic Inspectors and therefore this industrial dispute is raised and the competent authority has referred the dispute for disposal.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of first party is as under :—

5. The Mangalore Harbour Project was renamed as Port of New Mangalore by the Government of India during May, 1974 by extending the provision of Major Ports Act, 1931 and the traffic operations started in the New Mangalore Port and ships started calling regularly for export/import of cargo. The provisions of the Major Port Trust Act, 1963 were extended to New Mangalore Port w.e.f. 1-4-1980.

6. The Ministerial Staff viz. LDC, UDC, Head Clerk, Superintendent etc. are having 6-1/2 hours duty per day. The duties and responsibilities of the ministerial outdoor staff of New Mangalore Port are in no way less than that of the Ministerial indoor staff of the Port. Therefore, the ministerial outdoor staff of Traffic Department of the Port are discriminated against ministerial indoor staff of the Port in the matter of working hours.

7. It is the further case of the Union that in all the other major ports of the country except Cochin Port, the outdoor ministerial staff are working in 3 shifts and such being the practice, in New Mangalore Port also, the outdoor ministerial staff were working in 3 shifts in a day from the inception of the Port and till end of January, 1982. The shift hours were as follows :

1st from 6 AM to 2 PM

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2nd from 2 PM to 10 PM

3rd from 10 PM to 6 AM

8. This was in existence from 1975 to January, 1982 but all of a sudden without any representation from the workmen or their unions, the Chairman, New Mangalore Port Trust issued an OM bearing No. 1/2/82PTC.5 dated 29-1-1982 changing the shift system and working hours of the Traffic Department w.e.f. 1-2-1982. The revised shift timings were as follows :

1st shift from 8 AM to 5 PM with one hour lunch break between 1 PM to 2 PM.

2nd Shift from 6 PM to 3 PM with one hour lanch break between 8 PM to 9 PM.

9. The time prescribed under Section 9A of the I.D. Act, 1947 was not allowed to the workmen before effecting the change.

10. It is the further case of the union that during discussions with the Chairman on the notice by the Union representatives, the Chairman, NMPT agreed to extend the following benefits/facilities to compensate the hardships caused on account of the change in working hours, intervals and shift system :—

1. Overtime allowance will be paid on usual rates for a period of forced stay after closing of the second shift i.e. from 3 AM to 6 AM for 3 hours.

2. The 3 shift system would be reintroduced w.e.f. 1-4-1982.

3. To make arrangements for transport of the workers whose shifts are to close at 3 AM to their residence. In the absence of Public conveyance during this odd hours.

4. To provide subsidized canteen facilities round the clock inside the wharf.

5. To provide Rest Room with all other facilities required for taking rest to those employees who cannot reach their residences even if the Transport is provided by the Port Trust at 3 A.M.

11. It is the further case of the union that contrary to the assurance the Chairman withdraw the orders on payment of OTA for the 3 hours from 3 AM. to 6 AM for forced stay inside the wharf for want of conveyance, after paying the same for about one year period. No action was taken to implement the other assurance and at the same time the 2 shift system continued to operate w.e.f. 8-2-1982.

12. It is the further case of the union that majority of the workmen attending the 2nd shift are residing in for off places and they cannot go home after the close of 2nd shift at 3 AM for want of transport. Therefore, they were forced to stay inside the wharf for 3 hours from 3 AM to 6 AM daily. There is no proper facilities to sleep in side the wharf. The workers are suffering a lot on account of the change in shift hours and system.

13. It is the further case of the Union that in all other Major ports i.e. Bombay, Calcutta, Visakhapatnam, Madras, Goa, Paradeep, Kandla and Tuticorin, the Traffic operations are carried out in 3

shifts. 6 AM to 2 PM, 2PM to 10 PM and 10 PM to 6 AM. Only in Cochin the 2 shift system is in existence. But the outdoor Ministerial Staff of Cochin Port are paid extra remuneration at the rate of 10 per cent basic pay.

14. It is the further case of the union that compared to the volume of cargo handled during the year 1981-82, there is 3 fold increase in the traffic handled in the port. The Port Trust's Annual Administrative Reports will be the documentary proof in support of above Claim. The management side did not deny the fact that the Chairman assured the Union Leaders on 1-2-1983 among other things to pay OTA for 3 hours daily between 3 AM to 6 AM for forced stay and reintroduction of 3 shift system w.e.f. 1-4-1982.

15. It is the further case of the union that the duties and responsibilities of outdoor ministerial staff are in no way less than or inferior to that of the indoor ministerial staff. There is no public transport or any other mode of transport available to the workmen after the close of 2nd shift i.e. at 3 AM and they are compelled to stay back at wharf for 3 hours from 3 AM to 6 AM.

16. It is the further case of the workman that incentive was not given by the management, which is given in other ports. The incentive given in other ports is stated in detail.

17. It is the further case of the union that the Government of India extended the benefits of modified pay scales and other benefits applicable to the Port and Dock Workers of Major port, to the employees of New Mangalore Port Trust w.e.f. 1-4-1980, while implementing the wage revision settlement dated 4-1-1981. One of the terms of said settlement being the Incentive wage rates in various ports should be revised w.e.f. 1-1-1980 for 9 major ports and w.e.f. 1-4-1980 for New Mangalore Port. In New Mangalore Port all the listed Cargo Handling workers are covered by incentive schemes right from 1979. They got revised rates w.e.f. 1-4-1980 and 1-1-1984 consequent on the implementation of wage revision settlements dated 4-1-1981 and 11-4-1984, applicable to all Major Ports. Their incentive schemes are covered by the settlement arrived at between the Union and the New Mangalore Port Listed workers Management Committee under section 12(3) of ID Act, 1947, before the Asst. Labour Commissioner (Central), Mangalore.

18. It is the further case of the union that during the conciliation meeting in respect of this demand, the New Mangalore Port Trust, Management representatives have agreed that when this scheme has been enjoyed by Port Workers of Paradeep Port where Dock Labour Board does not exist why such scheme do not exist for the port workers of New Mangalore Port. The management also agreed to make recommendations to the Government that the Port Workers of New Mangalore Port should be given incentives on part with the Dock Workers of New Mangalore Port vide conciliation proceedings dated 15th December, 1983. The Management have intimated in letter No. 11/27/83/PTC4 dt. 21-9-1983 addressed to the Union that the Government have

instructed not to introduce the Incentive Scheme in the Ports of Tuticorin, New Mangalore and Kandla. But the scheme very well in existence in the port of Kandla. The Dock Workers of New Mangalore Port are under the listed Workers Management Committee.

19. It is the further case of the Union that there is well defined scheme in New Mangalore Port to determine the productivity of Dock Workers and incentive wages are paid for work done beyond the datum fixed per shift. It is unfair on the part of Management to deny incentive wages to only to Port Trust Workers when the Dock Workers are paid Incentive wages. This is again discrimination of Port workers against Dock workers.

20. It is the further case of the union that when Datum is fixed for all types of export and import cargo in New Mangalore Port and when the incentive wages for Port Trust Workers are payable on the basis of the incentive wages earned by Dock Workers, there cannot be any difficulty to extend the benefit to Port Trust Workers of New Mangalore Port. This was also agreed during the conciliation. First party union for these reasons and for some other reasons has prayed to pass award in its favour.

21. The case of the second Party is as follows :

22. It is contented by the management that the reference is not maintainable. The demand is not justified. There is no discrimination between indoor Ministerial staff and the outdoor staff. The 2 shifts working or 3 shifts working is left to the discretion of the administration with regard to the availability of sufficient work and other relevant factors like the shifts operations. The reduction of 3 shifts to 2 shifts since June, 1982 was for compelling circumstances. The notice was given under Section 9A only as a precaution though legally Section 9A is not applicable. The Chairman agreed to extend the facilities to compensate the hardships on account of the changes and all the allegations made by the Union in this aspect are denied. The demand for payment of Incentive Scheme to Ports Tally Clerks, Traffic Inspectors and Assistant Traffic Inspectors is not justified. Listed workers are not the employees of the Second Party. It is not correct to say that under the Settlement dated 4-1-1981 the second party is to extend the benefit of Incentive Wage Scheme. It only provided for discussion between the Management and the Union.

23. One more counter is filed by the management contenting that in the aforesaid reference, the Industrial Tribunal is now required to decide as to whether the final award is to be passed in terms of the draft incentive scheme submitted by the National Productivity Council, Bangalore as it is or subject to any modification as being contended by the parties. The question of passing an award in terms of the proposed Incentive Scheme now sent to the Central Government by the Port Trust for approval does not arise.

24. It is the further case of the management that the scheme will come into force from the date of

approval of the Government subject to the modifications. The Ministry of Surface Transport, Government of India vide its letter dated 18-6-1981 bearing No. L-SW-20-80-RO has very specifically instructed the Chairman of all Port Trusts that prior approval and sanction of the Government should be obtained before entering into an agreement/settlement for extension of any additional benefit to its employees so as to avoid repercussions on other categories of employees or on other ports etc. on account of such agreement/Settlement. Management for these reasons and for some other reasons has prayed to reject the reference.

25. In the instant case management has examined MW1 & MW2 and they have given detailed evidence in support of their defence.

26. Against this W1 to W3 got examined themselves. Various documents are marked in their evidence. Some affidavit evidence is also filed. MW1 and MW2 have given detailed evidence about the shifts. MW2 has also given evidence in respect of settlement, Ex. M4. It is stated by MW2 that Incentive is related to productivity and there is settlement regarding productivities. During the cross examination MW2 has categorically admitted that it is true that so far as Point No. 2 of the dispute relating to incentive scheme, Interim Award has passed by this Tribunal is still in force. The relevant documents are Ex. WA. 19 and Ex. WB.20. He says in his cross examination that it may be a fact that the draft scheme was approved by the Board of Trustees in the meeting held on 28-6-1996. In other words he admits about Settlement Ex. 21 is the copy of the letter seeking approval. He also admits in his cross examination that it is true that the expenditure of Incentive will be met by the Port only. He admits in his cross examination that he is aware of Settlement Ex. M4, to the effect that pending cases are saved.

27. I have heard both sides in detail. Both the parties have filed written argument and I have gone through the same very carefully.

28. In the instant case there are two points of dispute referred for disposal by this Tribunal.

Point No. 1 : "Whether the Administration of New Mangalore Port Trust is justified in introducing 2 shift system in respect of operational staff in the Traffic department of New Mangalore Port Trust without paying any extra allowance/overtime as is being paid in Cochin Port Trust ? If not, to what relief the said workmen are entitled ?"

Point No. 2 : "Whether the management of New Mangalore Port Trust is justified in not extending the Incentive Scheme to the categories of Tally Clerks, Traffic Inspectors and Assistant Traffic Inspectors, who are working along with Cargo handling Gang Workers ? If not, to what relief the said workmen are entitled ?"

29. It is an admitted fact that Point No. 1 does not survive in view of the orders passed by this Tribunal on 1st July, 1988. This Tribunal by the said order has passed the following award :

In the result a final award is passed to the effect that the administration of New Mangalore Port Trust was justified in introducing two shift system in respect of operational staff in the traffic department of the New Mangalore Port Trust without paying any extra allowance or overtime as is being paid in Cochin Port Trust and that they are not entitled to any relief.

30. This fact is not disputed by the Management and during the course of argument the learned counsel appearing for the management has conceded the Interim Award. Therefore, the dispute which remains now is the Point No. 2 of reference viz. "Whether the management of New Mangalore Port Trust is justified in not extending the Incentive Scheme to the categories of Tally Clerks, Traffic Inspectors and Assistant Traffic Inspectors, who are working along with Cargo handling Gang Workers ? If not, to what relief the said workmen are entitled ?"

31. This is in respect of incentive scheme to the categories of tally clerks, Assistant Traffic Inspectors, who are working along with the Cargo handling Gang workers.

32. On reading the Interim Award it is forthcoming that this Tribunal has held that the management was not justified in not extending the incentive scheme to the categories of tally clerks, Assistant Traffic Inspectors and Inspectors who have been working along with the cargo handling Gang workers and that a basis or a formula or some method shall be arrived at on recording further evidence and hearing them.

33. It was argued by the learned counsel appearing for the Union that in view of the said finding of this tribunal in the Interim Award, now this tribunal has to pass award regarding quantum of incentive to be paid to the workers. Interim Award is passed on 27-7-1989. I have carefully perused the Interim Award Passed by this Tribunal. This Tribunal by its order dated 27-7-1989 has held that the Second Party shall pay Interim Relief of incentives as indicated in the NPC Report. That NPC Report is also filed. It is forthcoming from the records that the arrears to the extent of 50 percent are paid.

34. In view of these admitted facts now we will have to consider the quantum of incentive to be paid to the Tally Workers, Traffic Inspectors and Assistant Traffic Inspectors who are the concerned workmen in this dispute.

35. At the cost of repetition I may say here that this Tribunal by its Interim Award has held that these workmen are entitled for incentive. There is nothing on record that the management has challenged that Interim Award. Joint memo dated 13th January, 1989 is filed and both the parties agreed with the National Productivity Council be requested to study and submit a draft scheme for introduction of Incentive Scheme for these categories of employees in New Mangalore Port Trust and that joint memo is signed by both the parties. It is in evidence that on 27-4-1989, the second party management produced the draft scheme compiled and prepared by the NPC and incentive Scheme for tally Clerks,

Assistant Traffic Inspectors and Traffic Inspectors working at NMPT, Mangalore. One of the recommendations was to pay 50 per cent of the average earnings of the directly employed tally clerks at Lining and Shipping Operations. Considering all that only this Tribunal has passed Interim Award.

36. During the course of argument it was submitted that 50 per cent of the average earnings is also paid. In view of these facts now this Tribunal has to give finding in respect of Point No. 2, the quantum of incentive to these staff.

37. It is also clear from the material before us that the incentive Scheme extended to these categories of employees along with cargo handling gang workers is no more in dispute. The development introduced by the management is that the scheme recommended by the board of management and approved by the first party union was turned down by the Ministry of Surface Transport, Government of India and the proposal is treated as withdrawn.

38. The learned counsel appearing for the management has vehemently submitted before me that in view of the fact that the scheme was not approved, the management is justified in not paying the incentive.

39. At the very outset I may say here that there is no merit in this argument. Ex. W-19 is the scheme for payment of Incentive to employees engaged in cargo handling work. The remarks of the union were called for by the Second Party Management vide Ex. W-20 and the Union accepted the said scheme. The matter was placed before the Board of Trustees meetings held on 28-6-1996 for its approval vide Agenda Item No. C. 2.

40. It is also clear from the material before us that the management agreed to meet the expenditure on payment of incentive as provided under the scheme from out of funds of port trust, which is also in evidence in Ex. W21.

41. I have already said that MW2 has categorically admitted about these two factors when he is cross examined and therefore, the argument of the management that in view of non approval by the Ministry, the scheme cannot be accepted at all.

42. It is also clear that in view of the above fact Ex. M3 is not correct.

43. I have carefully read Ex. M3 dated 8-11-1987. The only intention behind Ex. M3 is that the issue being a "local" in nature is necessary to ensure that it does not have repercussions on any other port.

44. It is also clear from the material before us that the management has informed the Ministry that the matter has been referred to IPA for its approval. Therefore, management has not come forward as to see what actually happened thereafter i.e. subsequent to 8-11-1987 and therefore the said point cannot be raised by the management at this stage. The scheme is approved by the board.

45. Regarding quantum of benefit, the workmen are entitled to receive the benefits as per the scheme vide Ex. W. 19 and these workmen are eligible for the said benefit. The management is also required to pay arrears by deducting the amount paid as per the Interim Award passed by this Tribunal.

46. The learned counsel appearing for the management strongly submitted that in view of Clause No. 35 of the Settlement which deals with productivity and economy measures and in view of the dispute referred to the National Tribunal, Calcutta the workmen are not entitled for any incentive. In view of the admitted facts the contention of the management that the Incentive Scheme linked to Cargo Handling Workers cannot be extended is not correct.

47. Ex. M1 and the evidence of MW2 does not help the management to the effect that management has withdrawn the proposal of Incentive Scheme from the Government and cannot send it to the Indian Ports Association, New Delhi to examine whether the approval of the Scheme and its implementation will have repercussions in other ports or not by its letter dated 8-11-1997.

48. I have carefully perused Ex. M4 Settlement. Clause 38 sub clause (ii) is improved and the same is reproduced. On plain reading of Clause (ii) of Clause 38, it is abundantly clear that the union has agreed that no fresh issues involving additional financial implication will be raised during the period of settlement excepting those claims pending in the courts, tribunals, conciliation proceedings and arbitrations including those issues which the parties have agreed to adjudication.

49. Admittedly the present dispute is pending as on the date of Ex. M4 and therefore, there is no merit in the argument advanced by the learned counsel appearing for the management.

50. I have carefully perused the order of the Ministry of Labour dated 14-11-2000. By the said Order the dispute is referred to the National Tribunal, Head Quarter at Calcutta.

51. There is no merit in the arguments advanced by the learned counsel appearing for the management that in view of the said dispute referred to the National Tribunal, this dispute has to be rejected. There is no merit in this contention because the Settlement Ex. M4 does not take away the right of the union in continuing with the adjudication of this dispute because there is a clause in the Settlement that the clause 38(ii) does not apply to the pending dispute and this dispute was pending as on the date of Ex. M4.

52. Secondly I have carefully perused the dispute referred to the National Tribunal vide order dated 14-11-2000. In my opinion the dispute referred to the National Tribunal is no more concern.

53. From the material before us it is clear that the category of Tally Clerks does not exist in the Port cannot be a ground to deny the benefit in as much as even after merger of the Tally Clerks to some other category till such time, the Tally Clerks are working and they are also entitled for arrears. It is also clear from the material before us that the Assistant Traffic Inspectors, the Tally Clerks and Traffic Inspectors are entitled for incentive on line with cargo handling employees as per the scheme. In view of these facts there is no merit in this contention of the management also.

54. I have given my best consideration to the material before me and I am of the opinion that only Point No. 2 is to be answered in this reference. Accordingly I proceed to pass the following Order :

ORDER

The reference is allowed and Point No. 2 of the dispute is answered holding that the management is liable to pay incentive to these workmen as per Clause Ex. W-19. Accordingly reference is disposed off.

(Dictated to PA transcribed by her corrected and signed by me on 12th December, 2002.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली 23 दिसम्बर, 2002

का.आ. 236.—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड वेस्टर्न बैंक लिमिटेड के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकारण नं. 3, मुंबई के पंचाट (संदर्भ संख्या सीजीआईटी 2/168/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-2002 को प्राप्त हुआ था।

[स. एल-12012/20/99-आई.पार. (वी-1)]
अजय कुमार, डैरेक्टर-आधिकारी

New Delhi, the 23rd December, 2002.

S.O. 236.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/168/1999) of the Central Government Industrial Tribunal No. II, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of United Western Bank Limited and their workman, which was received by the Central Government on 20-12-2002.

[No. L-12012/20/99-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. Saundankar, Presiding Officer

Reference No. CGIT-2/168 of 1999.

Employers in relation to the Management of the United Western Bank Limited, Satara.

The Chairman,
United Western Bank Ltd.,
17274 Ravivar Peth,
Shivaji Circle,
Satara-415001.

AND

Their Workmen

Mr. Suresh M. Dave,
House No. 2,
Third floor,
Fpfal Wadi,
Bhuleshwar,
Mumbai-400002.

APPEARANCES:

For the Employer : Mr. S. H. Kshirsagar,
Representative.

For the Workmen : Mr. A. R. Peerzada, Advocate.

Mumbai, dated 29th November, 2002

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/20/99-IR(B-I) dtd. 16-8-99 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of United Western Bank Ltd., Mumbai in dismissing the services of Mr. Suresh M. Dave, Ex-Head Clerk w.e.f. 3-9-1997 is legal and justified ? If not, what relief the workman concerned is entitled to ?”

2. Workman S. M. Dave was working as a Head Clerk at Vadgadi Branch of the Bank. Vide Statement of Claim (Exhibit-9) workman averred that in the year 1994 management bank vide chargesheet dtd. 28-11-95 charged that he assisted one Trivedi in his act of personation of which inquiry was conducted and that the inquiry officer held him guilty for gross misconduct under clause 19/5(j) and 19.5(d) of the Bipartite Settlement 1966 as modified, and based on the report and the findings management dismissed him from service w.e.f. 3-9-97. It is contended workman had not committed any misconduct and that illegally management dismissed him. Consequently he had raised a dispute before ALC(O) which ended in failure. Therefore workman contended to direct management to reinstate him with full back wages. Management Bank resisted the claim of workman by filing Written Statement (Exhibit-14) contending that workman assisted Trivedi on opening of a Benami Account which was an act of Personation totally against the interests of the bank which amounts to gross misconduct under the Bipartite

Settlement. It is averred that inquiry officer held the workman guilty and based on the report workman was dismissed on material grounds. Therefore the dismissal being legal and justified workman's claim deserves to be dismissed.

3. On the basis of the pleadings issues were framed at Exhibit-17. It is seen from the record both the parties did not lead oral evidence vide purhis Exhibit-19/21. Management filed their written submissions at Exhibit-22, however union did not though sufficient time sought, consequently matter was fixed for award.

4. Both the parties taking the matter on board vide application Exhibit-26 filed Memorandum of Settlement dated 29-11-2002 Exhibit-28. By this settlement punishment of dismissal imposed on the workman has been discharged entitling him superannuation benefits from the Bank. Since the workman/union and the management agreed to the settlement, the reference will have to be disposed of and hence the order :

ORDER

Reference stands disposed of vide Settlement dated 29-11-2002 (Exhibit-28).

S. N. SAUNDANKAR, Presiding Officer

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Reference (IDA) No. 168/99

In the matter of Industrial Dispute

BETWEEN

The United Western Bank Ltd. Satara. . . First Party
AND

Shri S. M. Dave,
the workman through the
United Western Bank
Karmachari Sangh. . . Second Party

Joint application for amicable settlement :—

The captioned Industrial Dispute is seized for its adjudication before your honour. The matter is at final stage.

In the meanwhile threadbare discussions, have taken place between the parties and both the parties have arrived at certain consensus. Both the parties therefore, intend to settle the dispute amicably through the intervention of your honour.

Accordingly, both the parties have reached a Memorandum of Settlement under Section 2(p) and Section 18(1) of the Industrial Disputes Act, 1947, read with Rule 58 of the Industrial Disputes (Central) Rules, 1957, a copy of which is enclosed herewith.

On this background both the parties beseech your honour to take the Memorandum of Settlement on your record and oblige the parties by passing an appropriate award thereby disposing of the present dispute.

For the First Party.

Sd/-

(S. H. Kshirsagar)

For the Second Party.

Sd/-

(S. M. Dave)

(Workman)

Sd/-

(S. R. Bhagwat)
Representative of Union

Workman present with his Advocate representative of Union. Management representative present workman and (Matter illegible).

MEMORANDUM OF SETTLEMENT

(Under Section 2(p) and Section 18(1) of the Industrial Disputes Act, 1947, read with rule 58 of the Industrial Disputes (Central) Rules, 1957.)

NAMES OF THE PARTIES

The United Western Bank Ltd., .. First Party
172/4, Raviwar Peth,
Shivaji Circle,
Powai Naka,
Satara-415001.

Shri S. M. Dave, the workman, .. Second Party
R/o House No. 2,
Third Floor,
Pophalwadi,
Bhuleshwar,
Mumbai-400002.

REPRESENTATION OF THE PARTIES

Mr. S. H. Kshirsagar, For the First Party
Asstt. Manager,
Mumbai Zonal Office,
Mumbai.

Shri S. R. Bhagwat, For the Second Party
Joint Secretary,
The United Western Bank
Karmachari Sangh,
Satara.

Sd/-
(Workman)

Sd/-

(Management Representative)

Short Recital of the case :

- (A) Whereas the Second Party was working as a Head Clerk at the Mumbai Zonal Office of the First Party was served with a chargesheet on 28th November, 1995 for certain alleged gross misconduct.
- (B) And whereas after conducting a full-fledged departmental enquiry, the Second Party was dismissed from the services of the First Party, for its proven gross misconduct.
- (C) And whereas the appeal memo challenging the Final Order dated 5th July 1997, was set aside by the Appellate Authority vide its order dated 3rd Sept. 1997, thereby upholding the punishment of dismissal originally awarded to the Second Party.
- (D) And whereas being aggrieved by its dismissal, the Second Party raised an industrial dispute before the Asstt. Labour Commissioner (C), Mumbai, for conciliation. However, the conciliatory efforts of the Asstt. Labour Commissioner ended in failure.
- (E) And whereas, at present, at the instance of Government of India, Ministry of Labour, the said industrial dispute is seized for its adjudication before the Hon'ble Presiding Officer, Central Government Industrial Tribunal No. 2 at Mumbai.
- (F) And whereas, the Second Party has approached the first party to take a lenient view in the matter and has requested for an amicable settlement of the dispute.
- (G) And whereas although in the opinion of the First Party, the request of Second Party is without any merit, the First Party, purely on humanitarian considerations, prepared to arrive at an amicable settlement.
- (H) And whereas to reduce in writing conditions of the understanding reached between the parties, the Memorandum of Settlement witnesses as under :—

Sd/-
(Workman)

Sd/-

(Management Representative)

Terms and Conditions :

- (1) It is agreed by the Second Party to waive its claim for reinstatement in the services of the First Party.

(2) It is agreed between the parties to convert the punishment of "Dismissal" originally awarded to the Second Party into "Discharge".

(3) It is agreed between the parties that the punishment of "Discharge from services" shall relate back to the date of Final Order i.e. 5th July 1997, vide which the Second Party was dismissed from the services of the First Party.

(4) It is agreed between the parties that the punishment of "Discharge" shall assume the meaning as envisaged under para 19.6 (b) of the Bipartite Settlement dated 19th October 1966, as amended upto-date, which forms the service conditions of award staff of the First Party.

(5) It is agreed between the parties that in effect the Second Party shall remain discharged with superannuation benefits as would be due otherwise at that stage i.e. on 5th July 1997 from the services of the First Party.

(6) The Second Party agreed and declared that it had read and understood, "The United Western Bank Ltd. (Employees') Pension Regulations, 1998, and opted not to be governed by the said pension regulations.

(7) It is agreed between the parties to bear their own costs for the present Industrial Dispute and observe the terms and conditions, as incorporated hereinabove, in full and final settlement of the said Industrial Dispute.

Sd/-
(Workman)

Sd/-

(Management Representative)

The original copy of this Memorandum of Settlement, is submitted to the Hon'ble Presiding Officer of the Central Government Industrial Tribunal No. 2, at Mumbai, on this Friday day of 29th November, two thousand two.

Hence, both the parties have set their respective hands on the Memorandum of Settlement, on this Friday day of 29th November, two thousand two, at Mumbai.

SIGNATURES

For the First Party :

Sd/-

(S. H. Kshirsagar)

For the Second Party :

Sd/-

(S. M. Dave)
Workman

Sd/-

(S. R. Bhagwat)
Representative of Union

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 237. : औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्री विशाखा ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या आईडीनं. 183/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-02 को प्राप्त हुआ था।

[सं. एत-12012/269/99-आई.आर. (बी-1)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 24th December, 2002

S.O. 237.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 183/2002) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sri Visakha Grameena Bank and their workman, which was received by the Central Government on 23-12-2002.

[No. L-12012/269/99-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, Presiding Officer

Dated : 23rd October, 2002

INDUSTRIAL DISPUTE NO. 183/2002

(Old I.D. No. 48/99 transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN

The General Secretary,
Sri Visakha Grameena Bank
Officers' Organisation,
Central Office,
5-6-44, Mehar Kuteer,
Punyapuvedhi,
Srikakulam-532001.

.... Petitioner

AND

The Chairman,
Sri Visakha Grameena Bank,
Head Office,
Srikakulam-532001.

.... Respondent

APPEARANCES :

For the Petitioner : M/s. A. V. Sambasiva Rao and A. S. Ramasarma, Advocates

For the Respondent : M/s. K. Srinivasa Murthy, G. Praveen & C. Vijaya Shekar Reddy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/269/99-IR(B-I) dated 15-11-99 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam between the management of Sri Visakha Grameena Bank, Srikakulam and their workman. In view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 this case has been transferred to this Tribunal bearing No. ITID 48/99. The reference is,

SCHEDULE

"Whether the action of the management of Sri Visakha Grameena Bank, Head Office, Srikakulam in extending the daftary allowance, on/ to S/Sri T. Narasavva and 17 others as per the seniority list prepared by the Selection Committee over looking S/Sri (1) B. Preemanadh, (2) P. Rajeswara Rao, (3) K. Papa Rao, (4) B. Jagamohana Rao and (5) R. Chakrapani as demanded by the Union, i.e. Sri Visakha Grameena Bank Workers Organization is legal and/or justified? If not, to what relief Sri P. Preemanadh and 4 (four) others are entitled?"

The reference is numbered in this Tribunal as I.D. No. 183/2002 and notices issued to the parties.

2. After filing claim statement, Counter and documents by both the parties, Petitioners' Union filed a memo stating

that out of five, S/Sri B. Preemanadh and P. Rajeswara Rao have been promoted as clerks and S/Sri K. Papa Rao, B. Jagamohana Rao and R. Chakrapani have left the Union. Hence, there is no need for adjudication of the reference. Accordingly a 'Nil' Award is passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 23rd day of October, 2002.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 238.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार मालाप्रभा ग्रामीण बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट आंदोलिक विवाद में केंद्रीय सरकार आंदोलिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या सी.आर.नं. 27/1999) को प्रकाशित करती है जो केंद्रीय सरकार को 23-12-02 को प्राप्त हुआ था।

[स. एल-12012/550/98-आई.आर. (बी-1)]

अजय कुमार डैस्ट्रिक्ट अधिकारी

New Delhi, the 24th December, 2002

S.O. 238.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (C.R. No. 27/1999) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Malaprabha Grameena Bank and their workman, which was received by the Central Government on 23-12-2002.

[No. L-12012/550/98-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

"SHRAM SADAN", III MAIN, III CROSS, II PHASE,
TUMKUR ROAD, YESHWANTHPLUR, BANGALORE

Dated : 11th December, 2002

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB,
Presiding Officer,
CGIT-cum-Labour Court,
Bangalore.

C.R. No. 27/1999

I PARTY

The General Secretary,
Malaprabha Grameena Bank
Employees Union,
No. 9, Corporation Building,
Broadway,
Hubli-580020
Karnataka.

II PARTY

The Chairman,
Malaprabha Gramenea Bank,
Head Office,
P.B. Road,
Dharwad-580008
Karnataka.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/550/98-IR(B-I) dated 30th March, 1999 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Malaprabha Gramenea Bank, Dharwad is justified in not regularizing the service of Shri Allasaheb A. Nadaf, sub staff in the Bank? If not, to what relief the concerned workman is entitled to?"

2. The first party Union workman was working with the Management. He was not regularised and therefore, Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party union is as follows :

5. It is the case of the Union that the workman has served the management as sub staff for 8 days in 1989, 6 days in 1990, 43 days in 1991, 43 days in 1992, 24 days in 1993, 45 days in 1994, 27 days in 1995, 19 days in 1996 up to 30-9-1996. The first party was asked to serve in the leave vacancy of Mr. V. B. Nidagundi, Regular sub staff and as an additional sub staff. He was also asked to work as Daftary for one year continuously upto 30-9-1996 and the Daftary allowance of V. B. Nidagundi was paid to him.

6. It is the further case of the Union that the workman was working continuously in the clear vacancy and Shri V. B. Nidagundi was retired on 30-9-1996. He was working for the full day after retirement of Shri V. B. Nidagundi. He worked for full day from 1-10-1996 continuously. He was also on the ro's of Employment Exchange. The Bank Manager has not entered the name of the first party in the Muster Roll/Attendance Register etc. The management has adopted unethical practice so as to deprive the first party from his right of regularization. He was given assurance that he will be regularized but he is not regularised. He worked for more than 240 days continuously. Therefore, the action of the management is not correct. The first party union for these reasons and for some other reasons has prayed to pass award in its favour.

7. The case of the Management in brief is as follows :—

8. One Shri V. B. Nidagundi was working as sub staff at Nidagundi branch. Immediately after his retirement no other regular sub staff was posted to the branch and the Branch Manager was instructed to engage temporarily any person to do the work of cleaning, dusting, watering till the permanent incumbent is posted to the Branch. First party was taken temporary basis and he was aware that he was engaged on temporary basis and his services would come to an end as soon as the regular incumbent is posted to the branch.

9. It is the further case of the management that w.e.f. 2-12-1997 a regular sub staff by Shri H. Y. Devaramani was posted to Nidagundi branch. In view of this, automatically the services of the first party automatically has come to an end. Then he was working as Kalpatharu Deposit Pigmy Agent. The question of taking him as sub staff does not arise at all and therefore, the entire case of the union is false. The first party was neither sponsored by Employment Exchange or he appeared before the Interview Committee by the management for preparation of panel of candidates for appointment as daily waged Messenger-cum-Sweeper. The procedure of recruitment is also stated in detail. The first party cannot claim regularization in service as he was engaged merely on temporary basis and his name was not sponsored by the Employment Exchange. He has to wait for the notification of vacancy as stated in Para 10 of the

Counter. The contention of the Union that the first party had served the second party Bank at its Nidagundi Branch as sub staff for 8 days in 1990, 13 days in 1991, 43 days in 1992, 24 days in 1993, 45 days in 1994, 27 days in 1995 and 19 days in 1996 is false and denied. Management for these reasons and for some other reasons has prayed to reject the reference.

10. Management examined MWI. The evidence of MWI is that he was working at Nidagundi Branch from July 1995 to May 1999. In 1995 one Mr. Nidagundi was sub staff and he retired on 30-9-1996. Various documents are marked in his evidence. After the retirement of Nidagundi no regular sub staff was appointed. He took permission from the Competent Authority and appointed him on daily wages on temporary basis to do the work of cleaning, watering and Sweeping etc. He explained that he has taken on temporary basis.

11. He further said that in 1997 one Mr. H. Y. Devaramani, a regular sub staff was posted and therefore, the first party was not given work. They have to follow procedure and getting name from Employment Exchange for regular appointment. In 1996 they had no vacancy at their branch.

12. MWI is cross examined by the workman. But nothing is made out from his cross examination so as to say that the workman was appointed on permanent basis and is entitled for regularization. He has denied the dates on which the workman has worked. In the instant case the union has not examined the workman. Documents Ex. W1 to W5 are marked.

13. I have heard arguments of both sides in detail. The management has also filed written arguments with citations.

14. In the instant case the documents filed by the workman are not sufficient to prove the case of the workman that he is entitled for regularization. I have carefully perused all the circulars and documents relied by the parties. According to the circular Ex. M3 there is a proof that the Branch Managers are empowered to engage daily wagers on temporary basis till the permanent incumbent is posted. The engagement of first party is in accordance with the said circular. The workman was engaged till the new incumbent was posted to the Branch and according to Ex. M4 Shri Devaramani was posted as regular sub staff. There is no question of refusing the work to the workman. The dispute is not in regard to termination but the dispute is for regularization.

15. It is also clear from the records that the name of the first party was not sponsored by the Employment Exchange. The workman has not filed any documents to prove this. Management has filed list of candidates sent by the Employment Exchange for Part time Messenger-cum-Sweeper and it is clear that the name of the workman was not sponsored by the Employment Exchange.

16. The main contention of the management is that the workman after his work came to an end. He has joined the KSRTC at Ron as Conductor of the Buses on 11-1-1999 and the management has filed a letter Ex. M7. According to it workman was appointed as Conductor with a monthly salary of Rs. 4,189. In other words the workman got regular appointment with KSRTC. This itself is sufficient to say that the workman has not made out any case for regularization as sub staff. First Party Union has not examined any witnesses. It appears that the workman is satisfied with the regular appointment as Conductor with KSRTC.

17. I have read the judgement reported in 1981(59) FJR Page 304 and 2002 LLR 865 relied by the management.

18. In the instant case it is clear from the facts that since 11-1-1999 the workman is working as regular Conductor with a monthly salary of Rs. 4,189 and therefore, the workman is not interested in this dispute and he has not given any evidence.

19. I have considered the documents filed by the first party union. In view of the regular appointment of the workman as Conductor I am of the opinion that there is no merit in this dispute. Accordingly I proceed to pass the following Order :

ORDER

The reference is rejected.
(Dictated to PA transcribed by her corrected and signed by me on 11th December, 2002.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 239.—ग्रौवोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा कर्नाटक बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्रौवोगिक विवाद में केन्द्रीय सरकार ग्रौवोगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या एल.सी.आई.डी. नं. 8/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-02 को प्राप्त हुआ था।

[सं. एल-12014/5/2002-ग्राइ.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th December, 2002

S.O. 239.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (L.C. I.D. No. 8/2001) of the Central Government Industrial Tribunal [Labour Court, Hyderabad] now as shown in the Annexure in the Industrial Dispute between the employers as relation to the management of The Karnataka Bank Ltd. and their workman, which was received by the Central Government on 23-12-2002.

[No. L-12014/05/2002-JR (B.1)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri/. Ismail, Presiding Officer

Dated : 29th November, 2001

Industrial No. L.C. I.D. No. 8/2001

BETWEEN

Sri B. Narender,
R/o 18-7-747/3, Gowlipura,
Hyderabad.

Petitioner.

AND

The Branch Manager,
The Karnataka Bank Ltd.,
R. P. Road, Secunderabad.

Respondent.

APPEARANCES :

For the Petitioner : M/s G. Vidysagar, Smt. K. Udaya
Sree & Sri P. Sudhheer Rao.

For the Respondent : Shri K. Rama Reddy.

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as stated in the claim petitioner are that the petitioner was appointed as turner in the respondent Bank on 17-1-1977 at Nampally Branch, Hyderabad. He was promoted as clerk in 1982 and transferred to Adoni Branch in Kurnool District. In 1986, the petitioner was transferred to Secunderabad Branch. While worked as such he was issued with a memorandum dated 3-9-1997

vide proceedings No. HO/HR & IR/1697/5856/97-98 alleging that he has not credited the amount received from the H.D. Canvasser to the Bank and misappropriated. Further that he made alterations in the credit challans. That an enquiry was conducted and ultimately he was issued that show-cause notice holding that the charges are true for dismissal. Inspite of giving explanation he was dismissed by an order dated 3-10-98 with a liberty to prefer an appeal against the dismissal order. That he preferred an appeal to the Chief General Manager, Head Office, Mangalore who without considering the same to dismiss the appeal vide order dated 28-12-98 that the punishment of dismissal is disproportionate to the charges levelled against the petitioner. Hence the petition will be allowed and the respondent Bank may be directed to reinstate the petitioner in the services with continuity of service, full back wages and other all attendant benefits including the arrears of salary.

3. A counter was filed stating that the petitioner had already approached the ALC(C), Hyderabad on the same issued and the notice served on 2nd respondent is annexed for the kind perusal of the Court. The petitioner cannot approach two or more forms simultaneously. Hence, without going to the merits of the case the petition is liable for dismissal at this state itself. So far as his appointment, promotion, and transfers to various branches is concerned it is admitted. While the petitioner was working as a cashier at Secunderabad Branch on 2-4-1997, he misappropriated monies belonging to the customers of the respondent Bank as he did not deposited Rs. 33,000/- received from Honey Deposit Canvassers collected from various customers of the Bank. He did not account for the said amount. He also altered the correct challans submitted by the HD Canvasser along with the amount of Rs. 33,000/- and thus resorted to misappropriation of the funds as well as falsification of the accounts. Hence the petitioner was charged and regular domestic enquiry was held wherein the petitioner admitted his guilt and requested the disciplinary authority to condone his mistake and not to take further action. The Enquiry Officer came to a conclusion that the petitioner has defrauded the Bank and brought disrepute to the respondent Bank and hence it was decided the petitioner be awarded the punishment of dismissal from the services of the Bank. Accordingly he was dismissed vide order dated 3-10-98. That the petitioner preferred an appeal to the Chief General Manager, Appellate Authority vide his letter dated 12-11-98. The Appellate Authority gave a personal hearing to the petitioner on 7-12-98, during the personal hearing also the petitioner admitted the misconduct, and pleaded for mercy. The Appellate Authority confirmed the orders of the disciplinary authority.

4. Respondent Bank is a financial institution dealing with the monies of their clients and the petitioner is one of the employees. It is submitted that the very essence of the relationship between the Bank and its clientele is faith. Bank, which is dealing to the public money, expects all employees to be loyal and honest to the institution. As it is totally relying on the faith of its clientele on them, the petitioner had acted with mala fide intention and defrauded the clientele of the Bank by not crediting the monies deposited into their honey collection accounts through the agent of the Banks. The petitioner had not accounted for the money deposited by the agent on various dates and he resorted to falsification of records to cover up his fraudulent action. Hence, the petition may be dismissed.

5. Arguments on validity of domestic enquiry were held and this Court by an order dated 27-7-2001 held that the domestic enquiry held against the petitioner is valid.

6. In view of holding that the domestic enquiry is valid, the petitioner has not let any evidence and accordingly the respondent also has not let in any evidence. The question is one of deciding whether the punishment is commensurate with the alleged misconduct.

7. It is argued by the Learned Counsel for the petitioner that even assuming that the petitioner has admitted his guilt even then, the Tribunal or the Court has got powers to see whether the punishment awarded is commensurate with the misconduct. He relies on a Judgement of A.P. High Court 1999 (5 ALT 450) wherein it was held 'Labour Court has powers of jurisdiction to re-appreciate the validity of domestic enquiry and substitute its own findings

even in cases where workman concedes the validity of domestic enquiry—take reverse the findings of disciplinary authority. Even if findings of misconduct are justified, Labour Court has power to hold dismissal as unjustified and award appropriate and lesser punishment". In the circumstances of a particular case, He also relied on a Judgement of which was AIR 1975 54 page 1227 wherein also the Hon'ble Supreme Court held that "the Sec. 11A now empowers Labour Court or Tribunal to reappraise the evidence and examine the correctness of the findings thereat. The Section 11A further empowers it to interfere with the punishment and after the same." He further submits that the petitioner was appointed in respondent bank on 17-1-1977 at Nampally Branch, Hyderabad. He was promoted as a clerk in 1982 and transferred to Adoni Branch, Kurnool where he worked up to 1986, and was transferred to Secunderabad Branch where he worked till 1997, i.e., he has put in 20 years of service when the memo was issued alleging misconduct. He further submits that as per Ex. M2 enquiry report the details of the alleged misappropriation between 5-4-1997 to 16-5-1997 is Rs. 33,000 which was remitted between 10-5-1997 to 19-7-1997. So, practically the Bank has suffered no financial loss and even assuming when admitting if there was some latches on the part of the petitioner and his services unblemished service of more than 20 years and 8 months. He just ignored he does deserve sympathy of the Court and the Court has got ample powers under Section 11A. Submitted and further review of the Judgement of the Hon'ble High Court and Hon'ble Supreme Court referred to above. Therefore he pleaded that a lenient view may be taken and the punishment of dismissal may be substituted by a lesser punishment.

8. It is argued by the Ld. Counsel for the Respondent that no doubt the amount that has been misappropriated of Rs. 33,000 which he remitted back with interest. He also gave a letter dated 9-7-1997 admitting the misappropriation of the amount. That MWI in the enquiry is Sri K. Prabhakar, the Honey Deposit Canvasser of Secunderabad Branch who is also working as such from 1979. That, he was remitting challans for the total amount of the previous days collection and remit the cash with challans to the cashier. But, he never used to obtain counterfoil from cashier as he had utmost faith in the bank staff. That, the petitioner herein misappropriated the amount submitted by him on 9 occasions. Further, in the plea of the charges he has admitted his guilt and requested for condonation of the guilt. He submits that misplaced sympathy should not be invoked as it is grave misconduct of misappropriation of about Rs. 33,000. He relies on Hon'ble High Court Digest of disciplinary cases 1990—2000, in which he relies on the case K. Venkateswarlu Vs. Nagarjuna Grameena Bank—1995 II LLJ 452 (APHC) wherein departmental enquiry is not necessary in case of admission of misconduct by the employee. He also relies on the Hon'ble Supreme Court Judgement that "any sympathy shown to the employee in such cases is totally uncalled for and opposed to public interest. Where even alleged to have misappropriated with a sum of Rs. 1,548.17 ps. it is the act of misappropriation that is relevant."—1996 SC, FLR (73) 1429. Therefore submits that no sympathy can be shown.

9. Even in documents filed by the petitioner, it is mentioned that he was in the habit of borrowing from the public and customers and used to default. Now only question that remains to be seen is whether he paid the amount with interest or not. He paid the same on 19-7-1997. He himself has given a letter Ex. M10 (In Ex. M1) that he is responsible for the differences in cash short of Rs. 20,810/- and remitted the same on 19-7-1997 vide Ex. M12 (In Ex. M1).

10. He has put in about 21 years of service the question is whether it is a fit case to invoke the powers under Sec. 11A of the Act. He was dismissed from service in October, 1998 i.e. almost he was allowed to continue in the same position for one year. Reinstatement of course is out of question as it is a case of misappropriation on number of occasions and voluntary admission on number of occasions by the petitioner. The question is whether dismissal can be substituted by any other punishment as compulsory retirement or any other form of punishment. I have given serious thoughts and the circumstances in which the petitioner is said to have committed the said temporary

misappropriations. But seeing the gravity of the offence neither reinstatement is desirable nor compulsory retirement. However, seeing his 20 years of service and one year after the incident and the fact that he deposited the entire amount with interest of Rs. 20,810. I am of the opinion that the petitioner is entitled for some relief.

11. Hence, he is awarded 9 months gross wages as compensation instead of reinstatement or any other relief since in the circumstances stated above and the fact that he has got 3 minor children and a family to support.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced in the Open Court by me on this the 29th day of November, 2001.

E. ISMAIL, Presiding Officer

APPENDIX OF EVIDENCE

Witness examined for the Petitioner :

NIL

Witness examined for the Respondent :

NIL

Documents marked for the Petitioner/Union
NIL

Documents marked for the Respondent

NIL

दृष्टि, 23 दिसंबर, 2002

का. अ. 240.—श्रीचैत्रिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विक्रम साराहनी स्पेस सेंटर के प्रबंधताव के संबद्ध नियोजिकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीचैत्रिक विवाद में श्रीचैत्रिक अधिकरण को जाम के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 23-12-2002 को प्राप्त हुआ था।

[स. एल-42012/20/2000-ग्राइ. ग्राइ. (बी)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 23rd December, 2002

S.O. 240.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kollam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vikram Sarabhai Space Centre and their workman, which was received by the Central Government on 23-12-2002.

[No. I-42012/20/2000-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,
KOLLAM

(Dated, this the 2nd day of November, 2002)

PRESENT :

Sri C. N. Sasidharan, Industrial Tribunal

IN

INDUSTRIAL DISPUTE NO. 56/2000

BETWEEN

Smt. Lathika Devi K.,
Viswamangalam,
Karakulam, P.O.,
Thiruvananthapuram.

... Worker

(By Sri K. R. Nandakumar, Advocate,
Thiruvananthapuram)

AND

Controller,
Vikram Sarabhai Space Centre,
Government of India,
Department of Space,
Trivandrum-695022.
..... Management

AWARD

The Government of India by order No. L-42012/20/2000-IR(DU) dated 30-6-2000, have referred this industrial dispute to this Tribunal for adjudication.

The issue for adjudication is the following :

"Whether 'the Nitramine propellant project of Vikram Sarabhai Space Centre' at Trivandrum is an Industry defined under Section 2(j) of the Industrial Disputes Act, 1947 and if so whether the action of the management of VSSC in denying employment to Smt. Lathika Devi, K. Laboratory Assistant 'A' from 27-7-1990 is justified? If not, to what relief she is entitled?"

2. Both sides entered appearance and filed statements advancing their respective contentions. On 10-9-2002 when this case was taken up, the worker and counsel remained absent. Hence the case was adjourned to this day for disposal. But today also the worker and counsel remained absent without any reason whatsoever. Hence the worker was declared ex parte. Management represented by counsel and submitted that affidavit in support of the management's case is being filed. Hence the case was closed for award. Subsequently management filed affidavit and documents which have been marked as Exts. M1 to M6 for convenience of discussion.

3. The averments in the affidavit filed by the senior administrative officer of management are briefly as below :

The worker was engaged, purely on contract basis from 25-5-1988 to 30-11-1988 as per Exts. M1 to M3 of appointments and she was relieved on expiry of contract. Nitramine Propellant Project where the worker was engaged does not fall within the definition of "Industry". The Department of Space and its organs such as the Indian Space Research Organisation and Vikram Sarabhai Space Centre do not come within the meaning of "industry" as held by the Supreme Court in the decision reported in AIR 1997 SC 3855. The worker do not have any right for continued engagement. Since her previous engagement was for specific purpose and for particular period and hence there was no denial of employment. Nor there was retrenchment. The offer of appointments Exts. M1 to M3 would prove that she was appointed purely on contract basis for specific period with clear mention that this appointment would not give her any right or any claim for appointment to a regular/temporary or a permanent post under the management after the period of appointment. The further statement is that the worker had invoked the jurisdiction of the Central Administrative Tribunal by filing OA No. 277/1990, OA No. 140/95 and CPC No. 49/96 in OA No. 140 and hence she is not eligible to agitate over the same issue at different Judicial Forms. According to the management the worker is not entitled for any relief.

4. The above averments in the affidavit filed in support of the contentions of management as per the statement filed before this Tribunal earlier, remain unchallenged. I accordingly accept the same as true and correct.

5. In the result, an award is passed holding that the Nitramine Propellant Project is not an Industry and that there was no denial of employment to the worker by the management and hence she is not entitled to any relief.

C. N. SASIDHARAN, Industrial Tribunal

APPENDIX

Documents marked on the side of management :

Ext. M1 Photostat copy of appointment issued to the worker Smt. K. Lathika Devi from the management dated 13/16-5-1988.

Ext. M2 Photostat copy of appointment issued to the worker Smt. K. Lathika Devi from the management dated 9-1-1990.

Ext. M3 Photostat copy of appointment issued to the worker Smt. K. Lathika Devi from the management dated 25-4-1990.

Ext. M4 Photostat copy of the judgement of Central Administrative Tribunal, Ernakulam in O.A. No. 277/99 dated 12-12-1990.

Ext. M5 Photostat copy of the judgement of Central Administrative Tribunal, Ernakulam in O.A. No. 140/99 dated 13-9-1995.

Ext. M6 Photostat copy of the "Order" in C.P.C. No. 49/96 in O.A. No. 140/95 dated 1-10-1996.

नई दिल्ली 24 दिसम्बर 2002

का. आ. 241.—ग्रौवोर्गिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केंद्रीय सरकार सी.एस.डी. कैष्टिन के प्रबंधतात्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ग्रौवोर्गिक विवाद में केंद्रीय सरकार ग्रौवोर्गिक अधिकरण लाखनऊ के पचाट (संदर्भ संख्या 26/2001) को प्रकाशित करती है जो केंद्रीय सरकार को 24-12-2002 को प्राप्त हुआ था।

[सं. एल-14012/67/2000-आई.आर. (डी.यू.)]

कुलदीप राध वर्मा, डेस्क अधिकारी

New Delhi, the 24th December, 2002

S.O. 241.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 26/2001) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of G.S.D: Canteen and their workman, which was received by the Central Government on 24-12-2002.

[No. L-14012/67/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT :

Rudresh Kumar, Presiding Officer

I.D. No. 26/2001

Ref. No. L-14012/67/2000-IR(DU) dated 18-1-2001

BETWEEN

Charan Singh,
S/o Sh. Dori Lal,
R/o Kunwarpur,
Banjiria PO at Kunwarpur,
Banjiria,
Bareilly (U.P.)

AND

The Admn. Commandant,
Station H.O.,
Banbasa P.O. Chandani,
Champawat (U.P.) 262310.

AWARD

By order No. L-14012/67/2000-IR(DU) dated 18-1-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the I.D. Act, 1947 (14 of 1947), referred this industrial dispute between Charan Singh S/o Sh. Dori Lal, R/o Kunwarpur, Banjiria P.O. at Kunwarpur, Banjiria, Bareilly (U.P.) and the Admn.

Commandant, Station H.Q., Banbasa P.O. Chandani, Champawat (U.P.) for adjudication.

The reference under adjudication is as under :

"Whether the action of the Management of C.S.D. Canteen, Banbasa in terminating the services of Charan Singh, Ex-Bill Clerk, w.e.f. 29-11-97 is justified and legal? If not, to what relief the workman is entitled and from what date?"

2. It is alleged that the workman, Charan Singh, was appointed in CSD Canteen, Banbasa, district Champawat, Uttranchal, on 1-4-94 and he continuously worked in the said Canteen till 28-11-97. He was required to discharge duties of Bill Clerk. The employer vide order dated 18-11-97, terminated his services w.e.f. 29-11-97 which was received to him on 5-12-97. He worked 240 days and more in each and every year of his association with the Canteen and so, was entitled to benefit under Section 25-F of the I.D. Act, 1947. His services were dispensed with as he had filed a Writ Petition in the High Court, Delhi, seeking regularisation in the Canteen services. The letter of termination was fabricated in back date to give sequence in the case. One Ramesh Chandra Joshi was also terminated like him, but he was reallocated duties. He was discriminated because of his approaching the court to claim his legal entitlement. A number of new hands viz; B. B. Thapa, Mohan Chand, Fazuir Chand, Laxman Singh, Trilok Chand and Kailash Chand were given appointment subsequent to his termination, and thus, the employer acted in violation of Section 25-G and 25-H of the I.D. Act, 1947.

3. The Hon'ble High Court vide its order dated 18-1-2000, dismissed the Writ Petition on the ground of alternate remedy by approaching Industrial Court and so, this industrial dispute raised.

4. The employer speaking through Col. S. S. Jamual, Administrative Commandant, Station H.Q. Banbasa, filed written statement. The association of the workman is not denied till 28-11-97. Their cases is, that the workman was employed on temporary basis in CSD Canteen as casual employee for a period of 89 days on contract basis. He continued with breaks in the service till 28-11-97. He was never designated as Bill Clerk. It is stated that CSD Canteen at Banbasa District Champawat, is unit run canteen which is not covered under the Vth Schedule of the I.D. Act, 1947. It is contended that the H.Q. U.P. area, Bareilly, vide letter dated 17th July, 1997 directed appointment of widows of soldiers and their dependents and ex-servicemen and none else, in the CSD Canteens. In compliance of the order, the civilian employees in the CSD Canteen had no say in this matter and their services had to be terminated then and there. The claim of the workman of his having worked for 240 days in each and every year, is not admitted on the plea that the canteen functioned only for 5 days in a week i.e. Monday to Friday and remained closed on all Gazetted Holidays. According to the management of the canteen, the services of the workman were terminated w.e.f. 29-11-97 vide termination letter dated 18-11-97 which was handed over to him on the same date. The date of termination i.e. 29-11-97 was mentioned in the letter only to give benefit of pay upto the end of the month.

5. It is also pleaded that the Writ Petition was filed on 27-11-97, whereas, termination order issued on 18-11-97 and so, it is denied that the termination order was issued as a vengeance in bad faith. It also justified reinstatement of R. C. Joshi and appointment of new hands on their being ex-serviceman and their dependants.

6. The management also questioned maintainability of this industrial dispute on the plea that the unit run canteen is not an 'industry' as defined under Section 2(j) of the I.D. Act, 1947. It is further pleaded that the employees are government servants and not industrial workmen as defined under Section 2(s) of the I.D. Act. The jurisdiction of this Tribunal is also questioned on ground that the Central Administrative Tribunal has jurisdiction and not this industrial Tribunal.

7. Before adverting to discuss preliminary objections as to maintainability of this dispute, a close glance over evidence tendered by the parties, seems necessary. The workman has relied on his application dated 27-12-94 which mentions his services w.e.f. 1-4-94 as Salesman. By this application he

sought revision of his wages. A copy of order dated 26th September, 1997 is placed which includes names of workman Charan Singh. A certificate issued by Lt. Col. K. S. Basera dated 27th July, 1996 has been filed which also mentions that the workman Charan Singh, was working satisfactorily in CSD canteen, Banbasa, for the last two years. Another certificate issued by Lt. Col. L. P. Noatoyal dated 8th July, 1996 has also been filed by the workman to show his working since 1-4-94 and his work and performance being satisfactory. The letter No. 10110/0/Cau Station H.Q. Banbasa 1st May, 1995, is also filed, according to which he was given appointment for 89 days from 1st May, 1995 to 28th July, 1995. Para 9 of this letter mentions "the appointment is temporary and may be terminated by other party after giving one month notice or immediately if mutually agreed." By letter No. 10110/CAO/CSD dated 31st May, 1997 the workman was re-appointment as a Salesman in CSD canteen, Banbasa w.e.f. 1st July, 1997 on pay of Rs. 950. The appointment was also for 89 days i.e. upto 28th August, 1997. By letter dated 31-8-97 he was re-appointment as salesman in the said canteen w.e.f. 1st September, 1997 to 28th November, 1997 on pay Rs. 950 p.m. The management has filed letter No. 10110/CAN dated 18-11-97 by which termination was made w.e.f. 29-11-97. This letter bears signature of the workman but no date of receipt is given. Apart, the workman has relied on his own statement and likewise, the management has relied on affidavit of Col. S. S. Jamual, Administrative Commandant.

8. Whether the CSD canteen is an 'industry' as defined under Section 2(j) of the I.D. Act, is to be attended first. Lt. Col. S. S. Jamual appearing as management witness, has admitted in his cross examination that a unit run canteen store department is involved into sale of general items amongst the soldiers and retired soldiers. Fixed profit are charged on such items. It is evident from this statement that the activities of the unit run canteen commercial in nature. The workman relied on the judgement of Supreme Court in Civil Appeal No. 1039-1040 of 1999, in the matter of Union of India and others Vs. Mohd. Aslam and others. Relevant extract of the judgement is quoted :

"Notwithstanding the fact we have recorded the conclusion that the employees serving under unit run canteen could be treated as government servant but does not necessarily mean that the service conditions of such employees are governed by Fundamental Rules. It would be open for the employer to frame separate conditions of service of the employees are to adopt the Fundamental Rules."

9. In the said judgement, the Hon'ble Supreme Court held that the activities of the canteens are commercial in nature. It held the employees to be government servant. A government servant may also be an industrial workman governed by the provisions of the I.D. Act, 1947, so long rules are not framed to govern service conditions. The activities of the canteen brings it in the definition of 'industry' as defined under Section 2(j) of the I.D. Act, 1947. Thus, the workman had a right to invoke jurisdiction of this Tribunal under the Industrial Disputes Act. The preliminary objection that the Central Administrative Tribunal alone has jurisdiction is held not correct.

10. Coming to the facts of the case, the admitted position is that the workman was employed w.e.f. 1-4-94 and he was in service till 28-11-97 before his termination vide letter dated 18-11-97. The management has not filed any set of rules governing service conditions of the employees in unit run CSD canteens. The appointment letter dated 1st May 1995, provides service conditions. Para 9 of the letter provides specifically that the nature of appointment is temporary and may be terminated by the other party after giving one month notice or immediately if mutually agreed. In subsequent re-appointment letters for 89 days, these conditions are to be continued, as these short term appointments were in continuity without any changed conditions. Further, the letters do not mention that the appointments were adhoc, terminable without notice. Thus, the services of the workman could have been dispensed with after one month notice which was not done. The letter dated 18-11-97 did not fulfil the requirement as it was issued only ten days earlier.

11. It has been held earlier, that the unit run canteen is covered by the definition of 'industry' and the workman was

also workman as defined under Section 2(s) of the I.D. Act, 1947. The workman continued to work regularly since 1994 till 28-11-97 and so, his case is covered under Section 25-B and he was entitled to retrenchment compensation under Section 25-F of the I.D. Act, 1947. Admittedly the workman was neither given notice before termination of his services nor paid compensation etc. rendering termination of his services, void-ab-initio. As such, the workman is entitled for reinstatement in service.

12. Accordingly, the action of the management in terminating services of the workman is void-ab-initio and the workman is entitled to reinstatement with back wages.

RUDRESH KUMAR, Presiding Officer

Lucknow :
16-12-2002

नई दिल्ली, 24 दिसम्बर, 2002

का. आ. 242 :—श्रीद्वयिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिनेंडेन्ट ऑफ पोस्ट ऑफिसेज के प्रबंधताव के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्वयिक विवाद में केन्द्रीय सरकार श्रीद्वयिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 50/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-2002 को प्राप्त हुआ था।

[सं. एल-40012/156/2000-आई.आर. (डीयू)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 24th December, 2002

S.O. 242.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/2000) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Supdt. of Post Offices and their workman, which was received by the Central Government on 24-12-2002.

[No. L-40012/156/2000-IR(DU)]
KULDIP RAI VERMA, Desk Officer
ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT :

Rudresh Kumar, Presiding Officer

I.D. No. 50/2000

Ref. No. L-40012/156/2000-IR(DU) dated 30-6-2000
BETWEEN

Chandan Singh Mehra,
R/o Mangal Bhavan,
MO Chaklan Lata,
Walin Kankhal,
Hardwar (U.P.)

AND

The Supdt. of Post Offices,
Saharanpur Prakhand,
Saharanpur (U.P.)

AWARD

By order No. L-40012/156/2000-IR(DU) dated 30-6-2000, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and Section 2(A) of Section 10 of the I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Chandan Singh Mehra R/o Mangal Bhavan, MO Chaklan Lata, Walin

Kankhal, Hardwar and the Supdt. of Post Offices, Sharapur Prakhand, Saharanpur for adjudication.

The reference under adjudication is as under :

"Whether the action of the Management of Sr. Supdt. of Post Offices in terminating the services of Chandan Singh Mehra, Ex. E.D. worker w.e.f. 1-12-99 is legal and justified? If not, to what relief the workman is entitled and from which date?"

2. The case of the workman, Chandan Singh Mehra, is that he was appointed in Sub-Post Master Office, Hardwar, on 18-4-95 and worked till 30-11-99 i.e. for more than 4 years and 7 months, as follow :

18-04-95 to 30-04-95 as EDMC against vacant post
01-05-95 to 30-11-99 as ED Stamp vendor, against vacant post.

His financial yearwise posting and working days were as under :

1995-96 w.e.f. 18-04-95 to 31-03-96 i.e. 327 days
1996-97 w.e.f. 01-04-96 to 31-03-97 i.e. 326 days
1997-98 w.e.f. 01-04-97 to 31-03-98 i.e. 365 days
1998-99 w.e.f. 01-04-98 to 31-03-99 i.e. 365 days
1999-2000 w.e.f. 01-04-99 to 31-11-99 i.e. 244 days

He worked continuously on scale pay basis and drew his salaries regularly. However, he was on leave from :

01-01-96 to 31-01-96 i.e. 22 days on account of illness
09-02-97 to 09-03-97 i.e. 29 days for marriage purposes
14-03-97 to 23-03-97 i.e. 10 days on account of urgent work.

3. He worked as regular employee uninterruptedly against the vacant post of Extra Departmental Stamp Vendor (EDSV) upto 30-11-99. However, the Post Master of Sub Post office, Hardwar, dispensed with his services illegally without any notice or any retrenchment compensation. At first instance, the Sub Post Master orally informed that the post of EDSV has to be filled by some Schedule Caste candidate. He represented to the higher authorities, but without awaiting order from the Appellate authority, the Sub Post Master dispensed with his services w.e.f. 30-11-99. His request to continue him was not considered, despite vacancy till date. Unfortunately, his service documents were lost and he filed a FIR. Taking advantage of this situation the management manipulated records, denied copy of appointment letter etc. He approached the Post Master, Roorkee who issued a certificate showing his working days. This certificate was issued on 14-8-99. He was paid regular salary in scale of pay and was allowed increment like regular employee. He was also paid bonus. He did not work against any temporary arrangement nor was substitute at any point of time but was a legal appointee against vacancy. He was fully qualified for the post.

4. The management contested the case through D. B. Dubey, Sub Post Master (HSG-II), Hardwar. In written statement, it is averred that the workman was engaged as an arrangement against temporary vacancy caused due to absence of Brijendra Singh, Shyam Singh, S. C. Tewari, Rajpal Singh, on different dates. The management has denied that the workman was EDSV. It is stated that he worked as EDLB or EDA as per rules on arrangement by the EDAs proceeding on leave etc. The master and servant relationship did not exist between them and so, he was not an employee. He stood discontinued on joining of the EDAs concerned.

5. The workman, as well the management, relied on documentary evidence and oral evidence to substantiate their respective versions, in statement of claim and written statement. The workman examined himself as oral evidence and subjected to cross examination by the management. The management relied on the statement of D. B. Dubey, Sub Post Master, Hardwar and Jagdish Narain Arora, Sr. Supdt. Dehradun. Both these witnesses were cross examined. However, the management did not examine any of the Extra Departmental Agents, who had arranged the workman during their absence. They were the direct evidence but were withheld.

6. The central issue, thus, is to adjudicate the 'status' of the workman during his association w.e.f. 18-4-95 till 30-11-99 and further, the legality of the action of the management dispensing with his services, without notice or retrenchment compensation etc. as per law.

7. A preliminary issue has been raised that the 'post office' is not an 'industry' as defined under Section 2(j) of the I.D. Act, 1947 and so, the reference is not maintainable. Reliance is placed on decision on 2-2-96 of the Hon'ble Supreme Court in Civil Appeal No. 3585-86 of 1996 Vaikas and others Vs. Thayyam Joseph etc. This submission can not be accepted as said case law relied by the management, was over-ruled by a larger bench of the Supreme Court.

8. Coming to the merit of the case, it is necessary to sort out the differences on facts, put forth by the parties. The management has not disputed association of the workman w.e.f. 18-4-95 to 30-11-99. However, the claim of the workman is contested that he was appointed against vacancy and also his continuity in service was uninterrupted. Furthermore, the management has not disputed that prior to dispensation of services of the workman, he was not given any notice or paid any retrenchment compensation. In this backdrop, let the documents filed by the parties is examined.

9. The management pleads that the workman was arranged by Brijendra Singh, S. C. Tewari and Rajpal Singh on different dates. The case of the workman is that he was substantively appointed against the post of EDSV w.e.f. 1-5-95. Prior to it, he was working as EDMC from 18-4-95 to 30-4-95 as arrangement. The post of EDSV was vacant and he was qualified having passed Intermediate examination. His name was sponsored by Employment Exchange. The Post Master, Roorkee also issued a certificate vide letter No. AC 2/EDA/Roorkee/99 dated 14-8-99, certifying his working period as EDSV at Hardwar, Sub Post Office, during the following period :

18-04-95 to 0-01-96	EDMC Hardwar post office
01-05-95 to 31-12-95	ED Stamp Vendor Hardwar
01-01-96 to 09-01-96	"
01-02-95 to 31-12-96	"
01-01-97 to 08-02-97	"
10-03-97 to 13-03-97	"
24-03-97 to 31-12-97	"
01-01-98 to 31-12-98	"
01-01-99 to 31-07-99	"

His posting upto 30-11-99 is not disputed by the management.

10. This document also certifies payment of pay and allowances, admissible from time to time. Sub Post Master, Hardwar has disputed the certificate giving details of working days in between 18-4-95 to 30-11-99, contesting correctness of the certificate. Sub Post Office, Hardwar falls under Post Office, Roorkee. In substance, the Sub Post Master, Hardwar, has admitted the association of the workman from 18-4-95 to 30-11-99. It disputes the service status of the workman. Whether he was a outsider EDA or EDSV on regular basis, is to be seen? It seems appropriate to have a glance over the payment sheets filed by the management under the direction of the Tribunal. The photo copies filed by the management are selective. It gives insight of the service status and payments made to the workman. In Acquittance Rolls recited by the management, mentions two posts of EDSV. Chandan Singh Mehra was shown on full salary with allowances in all the months. The scale was revised and the basic pay i.e. Rs. 1740 is shown against his name in the Acquittance Roll of July 1999. Later, the workman was paid basic pay Rs. 1770 p.m. showing grant of increment to him. A note is appended showing Brijendra Singh outsider against the name of Chandan Singh, in the month of July 1999 onward. Original documents is not produced to show as whether the name of Brijendra Singh was entered subsequently. No such remarks were noted in the earlier Acquittance Rolls. Brijender Singh has been shown below Chandan Singh at some places. A chart of working EDAs are filed in which the name of Brijender Singh is shown 'officiating EDSV, Hardwar'. It is admitted position, that an officiating EDSV has no authority to put his substitute and so, the case of the management that the workman was a substitute of Brijendra Singh fails. To prove that the workman was merely

an arrangement, the management should have examined direct evidence available with it in shape of S.C. Tewari, Brijender Singh, Rajpal Singh and Shyam Singh Negi and others. They were deliberately withheld. Also, documents were not produced showing taking and handing over of charges with counter signature of the competent authorities. In all such cases, formal handing and taking over of charges are necessary as these documents are required to be counter-signed.

11. As observed earlier, the basic pay of the workman was Rs. 1740 later increased to Rs. 1770 showing grant of increment. Under the rules, a substitute EDA is not entitled to increment. He is to be paid at minimum of the scale, the grant of increment indicates that Chandan Singh Mehra was not an arranged EDSV but was working as regular EDSV against vacancy. The certificate issued from the Post Master, Roorkee, under which Sub Post Office, Hardwar was functioning, has to be relied. This certificate corroborates version of the workman as to his period of working and his pay and allowances. The version of the workman that he was paid bonus, also remained undenied. Bonus is payable only to regular staff and not to arranged staff.

12. The management has admitted that the post of EDSV at Hardwar was vacant. A certificate dated 5-9-2002 is filed by the Sub Post Master (HSG-II), Hardwar which refers to a proposal to abolish the post. It is clear that the post is still vacant and has not been abolished. D. B. Dubey, Sub Post Master, Hardwar who appeared as witness admitted that he is not aware as who recommended for abolition of the post. It is submitted that this certificate was prepared to deny reinstatement of the workman. The management's witness D. B. Dubey in his cross examination admitted that Chandan Singh Mehra was provisionally appointed and he was not arranged as a substitute. He also admitted that S. C. Tewari was 'put off' from duty from 12-7-96 till 22-3-99 and such 'put off' employee was not entitled to provide arrangement.

13. Thus, there are no materials to show that the workman, Chandan Singh Mehra, was a substitute EDA. The Acquittance Rolls and payments made to the workman proves that he was working as regular employee and was granted increments as well paid bonus. He was also working as EDSV against vacancy which is still there and this post has not been filled by regular selection.

14. Otherwise too, the workman served, admittedly, for more than 4 years. He was a workman and under the provisions of Section 25-F of the I.D. Act, 1947, his service could have dispensed with after notice or retrenchment compensation etc. Non-compliance of this statutory provision renders action of the management void-ab-initio, entitling the workman to reinstatement.

15. As such, the reference is adjudicated in favour of the workman, holding action of the management terminating services of Chandan Singh Mehra w.e.f. 1-12-99 void-ab-initio. The workman is entitled to reinstatement with full back wages.

Award as above.

RUDRESH KUMAR, Presiding Officer
LUCKNOW :
17-12-2002

नई दिल्ली, 24 दिसम्बर, 2002

क.ट. 243.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जिओलॉजिकल सर्वे ऑफ इंडिया के प्रबन्धतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनवधि में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार 'औद्योगिक' अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 4/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-2002 को प्राप्त हुआ था।

[सं.एल.-42012/183] 2000-प्राई.ग्रार. (डी.यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 24th December, 2002

S.O. 243.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/2001) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Geological Survey of India and their workman, which was received by the Central Government on 24-12-2002.

[No. L-42012/183/2000-IR(DU)
KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT :

Rudresh Kumar, Presiding Officer

I.D. No. 4/2001

Ref. No. L-42012/183/2000-IR(DU)

BETWEEN

Vishnu Dayal,
S/o Devta Deen,
H. No. 303/86 Katra Bison,
Beg. Choupatia,
Lucknow.

AND

Dy. Director (General),
Geological Survey of India,
Northern Region,
Aliganj Complex,
Lucknow (U.P.)

AWARD

By order No. L-42012/183/2000-IR(DU) dated 27-12-2000, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Vishnu Dayal, S/o Devta Deen, H. No. 303/86 Katra Bison Beg. Choupatia, Lucknow and the Dy. Director (General), Geological Survey of India, Northern Region, Aliganj Complex, Lucknow for adjudication;

"Whether the action of the Management of Geological Survey of India, Lucknow is legal and justified in terminating the services of Vishnu Dayal w.e.f. 11-2-1980? If not to what relief the workman is entitled?"

2. The workman, Vishnu Dayal, claims to have been employed as 'Darban' in the office of Dy. Director (General), Geological Survey of India w.e.f. 15-7-74 and worked continuously without interruption till his termination w.e.f. 11-2-80. His last pay was Rs. 400 p.m. It is stated that on 10-2-80, some senior officials of the Geological Survey of India (GSI) Northern Region, Aliganj, Lucknow lodged a FIR against the workman at Police Station, Hazratganj, Lucknow alleging theft of old pistons. A criminal case was drawn against him and after investigation he was charge sheet under Section 381/411 IPC. The criminal trial before the Additional Chief Judicial Magistrate, ended in acquittal on 5-6-82. After acquittal, the workman approached his employer i.e. GSI to reinstate him. It is alleged that the services of the workman were illegally terminated w.e.f. 11-2-80 by not permitting him to discharge duties and therefore his case is a case of retrenchment under Section 2(oo) I.D. Act, without providing benefit under Section 25-F of the I.D. Act, 1947. The management was unwilling to reinstate him, thus, this industrial dispute was raised.

3. The management does not deny association of the workman. However, it states that the workman was a daily wager w.e.f. 17-7-74. He was a 'contingent worker' and working on "No work No pay basis". He was not an

employee of the GSI and thus, had no lien against any post. He ceased to be the contingent daily wager on non-reporting to duty. His services were not terminated. The management has not disputed lodging of the FIR for theft of government properties. However, it is denied that the services of the workman were dispensed with w.e.f. 11-2-80 as alleged in the statement of claim. The management further pleads that the condition of service Rules i.e. CCS (CCA) Rules, 1965 and CCC (Conduct) Rules, 1966 were not applicable in case of a contingent daily wager and the workman is not entitled to reinstatement. Furthermore, the management denies that the workman was not permitted to discharge duties w.e.f. 11-2-80, rather he himself absented on being implicated in a criminal case. He did not report to seek duties after acquittal and this part of allegations, is, also unfounded. Furthermore, this industrial dispute is raised after 20 years after acquittal and so, should be rejected summarily.

4. The association of the workman with GSI is not disputed. The status of the workman has to be seen whether he had any lien over any post and can be reinstated after more than two decades. The workman in his cross examination admitted that he was a daily wager but paid once in a month. He has also stated that Police arrested him in the night of 10-2-80, at 11 P.M. He was brought before the officers of the GSI and then after taken to police station. He has further admitted that no officer of the GSI directed him not to attend duty from 11-2-80. It is clear from this statement that there was no termination. Being involved in a police case, the workman did not report for duties. There was no retrenchment to warrant application of Section 25-F I.D. Act. In his representation, the workman mentioned to be under suspension. This fact is factually incorrect. He was a daily wager as admitted by him and so, had not lien over any post. After his acquittal, he was not entitled to claim reinstatement.

5. As discussed above, the workman has no claim to any post in the services of the GSI. Otherwise too, he was involved in theft of government properties from the employer. His acquittal is not clean but with benefit of doubt and so, the management's action not to engage him, can not be said to be unjustified.

6. The reference is adjudicated against the workman. He is not entitled to any relief:

Award as above.

RUDRESH KUMAR, Presiding Officer

LUCKNOW :

19-12-2002

नई दिल्ली, 24 दिसम्बर, 2002

का.आ. 244.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केंद्रीय सरकार सेन्ट्रल ग्लास एंड सेरेमिक रिसर्च इस्टिट्यूट के प्रबन्धताल के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण कोलकाता के पंचाट (संदर्भ संख्या 10/2000) को प्रकाशित करती है, जो केंद्रीय सरकार को 24-12-2002 को प्राप्त हुआ था।

[सं. एल-42012/192/99-आई.आर. (डी.पू.)]

कुलदीप राय वर्मा, डैस्ट्रिक्ट अधिकारी

New Delhi, the 24th December, 2002

S.O. 244.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2000) of the Central Government Industrial Tribunal/Labour Court Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central

Glass & Ceramic Research Instt. and their workman which was received by the Central Government on 24-12-2002

[No.L-42012/192/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 10 of 2000

PARTIES :

Employers in relation to the management of Director, Central Glass & Ceramic Research Institute.

AND

Their workman

PRESENT :

Mr. Justice Bharat Prasad Sharma, Presiding Officer

APPEARANCES :

On behalf of Management : Mr. K. Bhattacharya, Section Officer

On behalf of Workman: Mr. A. K. Das, the workman concerned in person.

State : West Bengal. Industry :

Dated : 13th December, 2002

AWARD

By Order No.L-42012/192/99-IR(DU) dated 27-1-2000 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Central Glass & Ceramic Research Instt., Calcutta in terminating the services of Sh. Ashim Kumar Das, Typist w.e.f. 1-5-98 without giving any notice and paying any compensation is legal and justified ? If not, to what relief the workman is entitled ?”

2. This reference has been made on the basis of an industrial dispute raised by Ashim Kumar Das an ex-employee of Central Glass & Ceramic Research Institute, Calcutta whose services were terminated as Typist with effect from 1st. May, 1998 without any notice or payment of compensation. Accordingly, the workman challenged his termination as illegal retrenchment.

3. From the statement of claims filed on behalf of the workman it appears that he was engaged as a Typist in the office of the C.G.C.R.I. having their office at 196, Raja S. C. Mallick Road, Calcutta-32. According to the workman he rendered his services for a continuous period of about 2 years starting from 1996 till April, 1998. According to him his service was uninterrupted without any break. It is also stated that from the very beginning he was issued an identity card with his details and he also enjoyed various facilities which were rendered to him free of cost by the employer. Such facilities were like free medical check-ups etc. It is also further stated that while he was working in the office he was required to sign daily attendance register maintained by the said Central Glass & Ceramic Research Institute on all working days and he was required to put his signature with his time of arrival and departure in the office. He was also supposed to work from 9.30 A.M. to 6 P.M. in the evening on all working days like other permanent employees. It is stated that at the end of every month the head of the working section, i.e., the Optical Glass Plant Section of the said office used to give remarks for the payment. It is stated that although he was appointed through a contractor, M/s. Dadson Associates at a nominal remuneration of Rs. 1668/- per month on the basis of contract between the said contractor, M/s. Dadson Associates and Central Glass & Ceramic Research Institute, the same was in effect nothing but a formal paper arrangement between the contractor and the management of the institute. Accordingly, he rendered services to the institute. It is stated that the institute is an organisation under the Council of Scientific and Industrial Research under the Ministry of Science and Technology, Govt. of India. The authorities of the institute did not give him permanent status in their office and as a result of which he had to carry on his job on meagre remuneration of Rs. 1668 per month. It is stated that from the aforesaid fact it is clear that he was in continuous service in the office of the institute and as such he was legally entitled to get the benefits of all legal provisions in various central Acts, including the Industrial Disputes Act, 1947. It is said that he was entitled to these benefits, because he was performing his duties akin to the permanent employees of the said institute and the institute also maintained an attendance register wherein he was required to sign on the working days. In this view of the matter, it is stated that it is clear that the said contract between the contractor, M/s. Dadson Associates and the management of the institute was a sham transaction and the contractor was more intermediary and thus, there was relationship of employer and employee between the institute and the workman concerned. It is further stated that by an office order dated 28th April, 1998 issued by

the Administrative Officer of the C.G.C.R.I. a direction was issued to the effect that the typing services which were being taken on contractual basis should not be taken after 30th April, 1998. It is stated that as result of the said direction his service was discontinued. It is stated that prior to passing of the said direction, no notice was issued to him, nor to the intermediary contractor in violation of the mandatory provisions of the Industrial Disputes Act. It is also stated that he was also not paid any compensatory sum in lieu of such notice to which he was legally entitled under the Industrial Disputes Act. It is stated that the C.G.C.R.I. was also duty bound to re-employ him whenever the said organisation intend to employ a person for doing any identical work, which he was doing as required under Section 25 H of the Industrial Disputes Act, but it has not been done. He also prayed for reinstatement in service, but it was not allowed and he raised the dispute. According to him since he had worked continuously for more than 240 days in a calendar year and since neither notice was served to him, nor any compensation was paid as required under the law, his termination is illegal and he deserves to be reinstated in service with full back wages.

4. The management also filed a written statement in reply. In the written statement filed on behalf of the management it has been stated that actually the institute does not happen to be an industry with in the meaning of Section 2(j) of the Industrial Disputes Act. In this regard it has been stated that though a full bench of the Central Administrative Tribunal at Hyderabad had held in the year 1991 that the institute happens to be an 'industry', the order was set aside and turned down by the Hon'ble Supreme Court on appeal. In this view of the matter, it is stated that the workman is not entitled to raise industrial dispute against the management. It is further stated that the C. S. I. R. is an autonomous body created by the Govt. of India to achieve the objectives of promotion of scientific and industrial research and to facilitate this end it was registered as a society under the Societies Registration Act, 1860. It is stated that it has its own governing body which controls and guides activities of the society to achieve commanding highest in the field of research and development and it has 40 national laboratories and institutes under its umbrellas which are undertaking research activities in different field of science and technology. It is stated that the governing body of C. S. I. R. adopted F. R. & S. R. and C. C. S. (C. C. A.) and Conduct Rules and other Government Rules for regulating the service conditions of its employees and C. S. I. R. and its institutes are covered under the Administrative Tribunal Act, 1986 and the Central Adminis-

trative Tribunal is the initial forum for raising any litigation concerning the service conditions of its employees. It is further stated that the Council (C. S. I. R.) of which present institute is a constitute part is not an 'industry' with in the meaning of Section 2 (j) of the Industrial Disputes Act and it is predominantly a research institute giving know-how and skill to industry. It is also stated that the C.S.I. R./C. G. C. R. I. is not engaged in production, supply or distribution of goods and services as would justify to be termed as 'industry.' It is further stated that the rules of C. S. I. R. are involved in establishment, maintenance and management of laboratories, workshops, institutes and organisations to further scientific and industrial researches and to utilise and exploit for the purpose of experiment or otherwise any recovery or invention likely to be used for Indian Industry. It is stated that it is involved in the collection/dissemination of information in regard to publication of scientific papers and journals of industrial research and developments. It is stated that it is not correct that the said workman Ashim Kumar Das was appointed as a Typist in this institute and in fact he was not an employees of the institute at all. It is stated that in fact the institute flouted tender on 28-03-1996 for job contract for typewriting services for its project work and in response to the aforesaid tender, 7 quotations were received from different parties for the aforesaid job. It is stated that out of the 7 parties, M/s. Dadson Associates, Calcutta was one of the parties, who was selected ultimately and the job was accordingly awarded to M/s. Dadson Associates on contract basis under certain terms and conditions as incorporated in the C. G. C. R. I.'s letter dated 30-05-1996. It is stated that M/s. Dadson Associates accepted the aforesaid service contract as per, the terms and conditions as stipulated in the aforesaid letter and accordingly the contractor engaged three persons for the aforesaid job vide their letter dated 31-05-1996. It is stated that subsequently, Ashim Kumar Das was engaged by the contractor in place of one of the 3 persons who were earlier engaged by the contractor. It is stated that according to the conditions an agreement between C.G.C.R. I and M/s. Dadson Associates was also signed on 03-06-1996 to this effect. According to the management the terms of the agreement were as follows: (1) that the person will be deployed by the contractor and he should be an employee of the said contractor; (2) that the contractor or any of his employee shall not have any claim for regular employment at the institute in any case; and (3) that the contractor shall make the payment of wages to the persons who have been deployed by them in presence of the representative of the institute. There were some other conditions also, but the same are not relevant.

It is further stated that on 26-07-1996 M/s. Dadson Associates deployed the concerned workman, Ashim Kr. Das through a letter and he was deputed to the institute with effect from 30-07-1996. It was primarily for a period of 2 months during the first spell of contract with effect from 1st June, 1996 to 30th September, 1996, which was further renewed from time to time up to 30th April, 1998 as per the existing terms and conditions. It is stated that the workman concerned was issued temporary identity card only as are issued to some other contractual workers for their entry into the institute and checking thereof. It is stated that the institute also provides medical assistance even to the contractual workers in emergency cases while discharging duties and it is done on humanitarian ground only. It is stated that since they are not employed by the institute, they are to bear the cost of the medicines etc. It is also further stated that the institute also maintains some records separately to watch the persons and performance of such contractual workers and the same is also checked by the institute while paying the service charges. It is stated that Ashim Kr. Das was engaged by M/s. Dadson Associates for rendering typing service in the project on certain terms and conditions agreed by C. G. C. R. I. and M/s. Dadson Associates. It is stated that no such contract agreement was made with the workman by the institute. It is also stated that C. G. C. R. I. happens to be a constituent laboratory of C.S.R.I. under the Ministry of Sciences & Technology, Govt. of India and as per hierarchical structure of the institute there is no designation of Typist in that system. It is stated that L. D. Cs and U. D. Cs are supposed to perform the typing work while discharging their duties in addition to their job assigned to them and L. D. Cs. and U. D. Cs. are recruited through the prescribed procedure in the recruitment rules. It is stated that the workman concerned was engaged by the contractor in time-bound sponsored project in the C. G. C. R. I. and he was never recruited by the institute. So, the question of any benefit being extended to him like a regular employee did not arise. In this connection, it is stated that the C. S. I. R. or C. G. C. R. I. is not covered within the purview of the Industrial Disputes Act since it is a society under the Societies Registration Act and the existence of employer-employee relationship between the workman and the C. G. C. R. I. may not be applicable at all in this case. Ultimately, it is stated that since workman was not engaged by the institute, no relevant communication was made between the institute and the workman concerned while his service was terminated as the contract itself was terminated. In this view of the matter, it has been stated that neither the workman concerned happened to be an employee of the institute, nor the institute was obli-

ged to serve any notice to him for his termination or pay compensation to him under the Industrial Dispute Act, because the relationship of employer and employee did not exist in this case. It is, therefore, submitted that the workman is not entitled to any relief whatsoever.

5. The workman adduced oral evidence in support of his claim. It appears that the concerned workman examined himself as WW-1 and he also examined another person Gautam Kumar Ghosh as WW-2. No witness, however, has been examined on behalf of the management. However, some documents were filed on behalf of the parties, but those documents have not been brought on the record by admitting into evidence, excepting for 3 documents filed on behalf of the workman. Ext.W-1 is the letter sent by the contractor, M/s. Dadson Associates to the Administrative Officer of the institute on 27-07-96 by which the management was informed that the concerned workman was being deputed to the office of the institute for the required service with effect from 30th July, 1996. Ext.W-2 is an order issued by the Administrative Officer of the institute on 28th April, 1998 by which it was stated that the Director, C.G.C.R.I. had approved the renewal of the present contract for providing typing services in three sections upto 30th April, 1998 on the existing terms and conditions and, therefore, the typing services should not be taken-up beyond 30th April, 1998. It was also stated that the typing service on contract basis should be taken up only with the prior approval of the Director. Ext.W-3 is the attendance rolls in 5 separate sheets.

6. So far as the oral evidence is concerned, the workman stated as WW-1 that he joined the C.G.C.R.I. as typist through a contractor on 30th July, 1996 and he worked there for about 2 years continuously. According to him on 30th April, 1998 his work was stopped. He has also stated that his payments were being made through contractor and he was doing the work of typing during his period of engagement and thereafter he was removed unceremoniously. According to him after his removal, he approached the Assistant Labour Commissioner who held conciliation and as the conciliation could not materialise, the reference was made. He has stated that he has made prayer for reinstatement with consequential benefits, because he has already completed more than 240 days of service continuously in a year. In his cross-examination, he has admitted that he received appointment letter from M/s. Dadson Associates and not from the C.G.C.R.I. The said appointment letter is Ext.W-1 as has been narrated earlier. He also admitted that he was appointed by

a contractor and his payments were also being made by contractor. He has, however, stated that he was not removed by the contractor and he was issued letter by the management in this regard. He points out to Ext.W-2, but in fact, Ext.W-2 is not a letter issued to him; rather, it is an order passed by the Administrative Officer in view of the sanction of the Director of the institute regarding continuance of the contract only upto 30th April, 1998. He has also admitted that 2 other Typists were also working alongwith him, but he was the only person to be removed. However, he is not in a position to say whether any other person was appointed in his place. He has also stated that about 60 to 70 persons were working in the institute. He also stated that so far as the permanent employees are concerned, their attendance was noted in a register, but his attendance used to be noted on daily sheet. He refers to the sheets, Ext.W-3.

Another witness, WW-2 has stated that he had seen the workman concerned working in the C.G.C.R.I. for about 2 years as a Typist. He has stated that he used to go inside the premises of the institute for selling his articles by taking permission from the Security Guard and as he knew the facts he has deposed. In his cross-examination, he has stated that he used to visit the office in connection with vending and he did not use to go there daily and according to him he used to go to the institute 7/8 days in a month. According to him 25 to 30 persons were working in the section in which the workman concerned was working and it has been suggested to him that whatever he has stated is false and he had no occasion to go to the institute. It appears that there is no material to show that this witness who happens to be a street vendor had any occasion to go to the institute and his entire evidence appears to be a concoction only in order to support the case of the workman concerned.

7. From the materials on the record, i.e., the evidence of the workman himself and the documents produced by him it becomes clear that this workman was never appointed by the institute as a Typist. The materials rather go to show that he was engaged by a contractor, M/s. Dadson Associates and was deputed to work in the office of the institute as a Typist. It is apparent that there was a contract between the institute and the contractor, M/s Dadson Associates who was supposed to provide typing hands to the institute for specific purpose during the period of contract. It appears that the original contract was extended from time to time for some period, but ultimately the management decided to put an end to the contract and decided to stop taking work from the Typists deployed through contractor. Such a decision came into effect on

30th April, 1998 as per Ext.W-2. It is, therefore obvious that when the contract of the contractor itself was terminated or came to an end, the question of continuance of the workman concerned in the institute did not arise. The workman has not claimed that he used to get any other benefit than the amount of remuneration which was fixed by the contractor. So far as medical facility is concerned, it has been stated on behalf of the management that for the workmen who were working, facility of medical check-up was extended to the persons employed through contractors also in case of emergency only, but they had to purchase their medicines themselves. Therefore, the claim of the workman does not appear to be correct that he was given the facilities at par with the regular workman of the institute. So far, as the entry pass is concerned, it has been rightly stated on behalf of the management that for the purpose of facilitating the entry of the workman deployed by the contractor also, the gate-passes and identity cards were issued, but only on this account the workman cannot be treated to be a regular or fullfledged employee of the institute.

8. It has been submitted on behalf of the management that it was held by their Lordships of the Hon'ble Supreme Court in the case of Physical Research Laboratory v. K.G. Sharma (1997 LAB. I.C. 1912) that research laboratory cannot be termed or treated as an 'Industry' within the meaning of Section 2(j) of the Act. While dealing with the issue regarding a dispute between the Physical Research Laboratory and a workman, it was observed by their Lordships: "Neither from the nature" of its organisation nor from the nature and character of the activity carried on by it, it can be said to be an 'undertaking' analogous to business or trade. It is not engaged in a commercial or industrial activity and it cannot be described as an economic venture or a commercial enterprise as it is not its object to produce and distribute services which would satisfy wants and needs of the consumer community. It is more an institution discharging Governmental functions and a domestic enterprise than a commercial enterprise. We are, therefore, of the opinion that PRL is not an industry even though it is carrying on the activity of research in a systematic manner with the help of its employees as it lacks the element which would make it an organisation carrying on an activity which can be said to be analogous to the carrying on of a trade or business because it is not producing and distributing services which are intended or meant for satisfying human wants and needs, as ordinarily understood." Therefore, the observation of their Lordships fully apply in the present case also. It is obvious that the present institute is an institute under the control of the Council of Scientific & Industrial Research meant for promoting research

and advancement of the various techniques in the field of industry and science. The institute is not producing either any service or any goods for consumption of common consumer and, therefore, like the Physical Research Institute, the present institute also cannot be treated as an 'industry'.

9. Moreover, from the evidence as discussed above, it becomes clear that the workman concerned was never employed by the institute; rather, the institute was taking the services through a contractor for specific purpose. It has been submitted that for making regular appointment, the institute has to follow certain rules and regulations and as a matter of fact, so far as the post of Typist is concerned, it does not exist in the institute. Therefore, the question of regularisation or appointing the workman concerned in regular service did not arise. There was also no relationship of employer and employee existing between the institute and the workman concerned, because excepting for taking and assessing his work for the purpose of making payment to the contractor, the management of the institute had no direct control over the workman concerned. The workman himself has very clearly admitted that he was engaged and also being paid by the contractor and not by the institute. Therefore, there is no doubt about it that the relationship of employer and employee did not exist between the institute and the workman concerned.

10. The workman prayed to rely on the decision in the case of Hussainbhai v. The Alath Factory Tezhiali Union & Ors. (AIR 1978 S.C. 1411) and Secretary, Haryana State Electricity Board v. Suresh & Ors. etc. [1999(3) Supreme 277 in] which their Lordships of the Hon'ble Supreme Court held that in case there is a camouflaging or paper work done in order to suppress the actual relationship between the employer and the employee by taking recourse to contract, the Tribunal is supposed to examine the facts minutely and to remove the veil for coming to the actual conclusion, but this is not a case in which the aforesaid principle can apply. It is clear that the workman concerned was engaged for particular purpose by a contractor and was deputed to the institute as per terms of the contract and that the tenure of the workman concerned ended in the institute because of the contract itself coming to an end. It is also clear that during the period of his working in the institute he did not have the relationship of employer and employee and all his responsibilities and liabilities were related to the contractor who was his real employer. In such a circumstance, if his job came to an end, the management was not bound to follow the procedures of Section 25F of the Act by issuing notice or by paying compensation to the workman concerned and because the institute

has no post of Typist available, then question of his being employed against any vacancy created or to be created in future also did not arise.

11. The termination of the workman in this case, accordingly, cannot be treated as 'retrenchment' in terms of Section 2(oo) of the Industrial Disputes Act, 1947 and the action of the management cannot be termed as illegal or unjustified. Accordingly, the reference is decided. The workman is not entitled to any relief what-so-ever.

Dated, Kolkata,

The 13th December, 2002

B.P. SHARMA, Presiding Officer

नई दिल्ली, 24 दिसम्बर, 2002

का.आ. 245.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खादी एंड विनेज इंडस्ट्रीज कमीशन के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण नं. II; मुम्बई के पंचाट (सदर्म संख्या सी.वी.आई.टी.-2/29 अ० 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-2002 को प्राप्त हुआ था।

[सं.एल.-42012/310/99-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डैस्ट्रिक्ट अधिकारी

New Delhi, the 24th December, 2002

S.O. 245.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/29 of 2000) of the Central Government Industrial Tribunal Labour Court No. II, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Khadi and Village Industries Commission and their workman, which was received by the Central Government on 24-12-2002.

[No. L-42012/310/99-IR(DU)]
KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI
PRESENT :

S. N. Saundarkar, Presiding Officer.

Reference No. CGIT-2/29 of 2000.

Employers in relation to the Management of
Director (Administration), Khadi and
Village Industries Commission,

Director (Administration),
Khadi and Village Industries Commission
3, 1st Road, Vile Parle (West),
Mumbai 400056.

AND

Their Workmen.

Ms. Sarayu Bhimrao Mohite,
337, Anaji Master Chawl,
K. G. Marg,
Prabhadevi
Mumbai-400 025.

APPEARANCES :

For the Employer.—Mr. V. A. Fadnis Advocate.

For the Workmen.—Mr. Jaiprakash Sawant Advocate.

Mumbai, dated 20th November, 2002

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/310/99/IR(DU) dated 13-3-2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Khadi and Village Industries Commission Mumbai by terminating the services of Ms. Sharyu Bhimrao Mohite w.c.f. 1-1-98 is justified? If not, to what relief the workman Ms. Sarayu B. Mohite is entitled?”

2. Workman Ms. Sharyu Mohite vide Statement of Claim (Exhibit-6) averred that as per the letter of the management Khadi and Village Industries Commission Mumbai dated 6th July, 1993 since her name was recommended by Employment Exchange she was called for typing test of English on 24th July, 1993 and having passed in that she was interviewed on 26th December, 1993/7th January, 1994 and was selected and placed on the waiting list panel of general candidates for the post of L.D.C. at Serial No. 35. It is averred that as per the decision in the meeting of the Commission the selected candidates list was extended and in the mean time workman was appointed as L.D.C. on daily wages for 59 days from 27-3-97 to 24-5-97. It is the contention of workman that she worked continuously during the said period without any break and thereafter she was again appointed as L.D.C. from 1-7-97 to 31-12-97 on contract basis for six months and that she continuously worked for 184 days without any break during the said period on a consolidated wages of Rs. 2500 per month. It is averred that workman worked for about 243 days as continuous worker however without giving one month's notice or one month's wages and retrenchment compensation her services were terminated illegally on 1-1-98 therefore she is entitled to reinstatement with full back wages. It is the contention of workman that the nature of work she was doing, was permanent there were twenty vacancies of L.D.C.s. with the Commission in Mumbai. It is averred that workman had requested the Commission to absorb her but in vain. According to workman Commission absorbed the daily wages, contract wages namely, Gawas Waman;

Umesh Pujare; Shivani Prasad and Seth Nitesh Jai-ram thereby discriminated. Consequently she contended her termination being illegal management be directed to reinstate her with back wages.

3. Management-Commission resisted the claim of workman by filing Written Statement (Exhibit-9) contending that Khadi and Village Industries Commission is not an 'industry' within the definition of Section 2(j) of the Industrial Disputes Act and therefore this Tribunal has no jurisdiction to entertain and adjudicate the reference. It is averred that the Commission has to follow the directions of the Central Government and that the Central Government provides funds to the Commission for its activities. The activities of the Commission are on charitable lines meant for the development of Khadi and Village Industries to provide employment and thereby eradicate the severe social problems in the society. It is contended objective of the Commission is retro-gation and as a result beneficiaries of the scheme are put to loss instead of creating welfare atmosphere for the beneficiaries. The Commission is a charitable organisation. It gives grants for various activities of the borrowers such as training, rebate on sales, interest subsidy, margin money and that Commission does not work for the purpose of profit, consequently management contended that Commission is not an industry. It is further averred that the workman was on the panel list at Serial No. 35 which was in force for two years and was to be expired on 6-1-96. It is contended till 1994 28 candidates on the waiting list were given employment and thereafter the list expired and that Government had put ban on recruitment. It is averred that workman was appointed on contract basis for specific work and specific period which ended by virtue of end of contract period and not by termination of service. It is contended workman actually worked for 232 days and not 243 days. Consequently she was not entitled to retrenchment compensation, therefore provisions of Section 25B and 25F do not come into play. It is averred that workman was on contract basis not against the vacancy of L.D.C. for specific job and that the work was not of continuous nature. It is the contention of management that no discrimination was made in absorbing the employees. Consequently prayed to dismiss the claim of workman in limine being devoid of substance.

4. By Rejoinder (Exhibit-11) workman contended that functions of the commission are production of hand spun yarn or Khadi or village industries, encouraging and assisting, creation of common service facility for processing of raw materials or semi-finished goods enhancing competitive capacity providing financial assistance to institutions engaged in the development and operation of Khadi which falls under industry. It is further averred that there were 100 vacancies of LDC's in the Commission in 1998 and that 20 posts out of those were advertised and the workman and other candidates on the waiting list were not appointed and that ban on recruitment came on 5-8-99 thereby the commission ought to have continued the workman. It is contended the total working days of the workman comes to 243 days and not 232 days. For all these reasons reiterating the recitals in the Statement of Claim workman denied the averments in the Written Statement.

5. On the basis of the pleadings issues were framed at Exhibit-12 and in that context workman Ms. Mohite filed affidavit in lieu of Examination-in-Chief (Exhibit-18) and closed oral evidence vide purshis (Exhibit-19). Management filed affidavit in lieu of Examination in Chief of Assistant Directors R. K. Dhamija and P.M. Kantharia (Exhibit-20 & 21) and closed oral evidence vide purshis (Exhibit-23).

6. Workman filed written submissions (Ex-24/26) with copies of rulings and the management (Exhibit-25). On perusing the record as a whole, written submissions and hearing the Learned Counsel for both sides I record my findings on the following issues for the reasons mentioned below.—

Issues	Findings
1. Whether management of Khadi & Village Industries Commission, Mumbai is an 'industry' as defined under section 2(j) of the Industrial Disputes Act, 1947 ?	Yes.
2. Whether Ms. Sharyu B. Mohite proves that she worked continuously for 240 days in a year ?	Yes
3. Whether the action of the management of Khadi and Village Industries Commission, Mumbai, by terminating the services of Ms. Sharyu Mohite w.e.f. 1-1-98 is justified ?	No.
4. What relief Ms. Sharyu Bhimrao Mohite is entitled to ?	As per order below.

REASONS

7. At the outset the Learned Counsel Shri Fadnis inviting attention of this Tribunal to the Written Submissions urged that Khadi and Village Industries Comission is not an 'industry' within the definition of Section 2(j) of the Industrial Disputes Act. He submits object of the Commission is not to gain income but charitable. The work undertaken by the Commission is in the interest of the Nation, projects are undertaken through the statutory bodies without profit motive. He submits Commission is extending financial assistance to the parties undertaking the Khadi and Village Industries programme by granting loans without interest/minimum interest granting interest subsidy, treating the infrastructure such as cost of voluntary in sales out-let etc. granting rebate for permission to sales of Khadi and Village industry markets which are not profit motive and therefore it is not an 'industry'. He has relied on the rulings filed on record. On the other hand, Mr. Sawant counsel for workman submits that assuming the Commission is doing charitable activities thereby does not make profit but fact is that it employs workers and carrying out systematic activity which produce services. He submits, activities of the Commission are analogous to business or trade, it is engaged in a commercial industrial activity which can be described as a

common venture and commercial enterprise as its object is to produce and distribute services which would specify wants and needs of consumer community. He has mainly relied on Bangalore Water supply case.

8. 'Industry' as defined under section 2(j) of the Industrial Disputes Act is as follows :—

- (a) Where there is (i) systematic activity (ii) organised by the Co-operation between employer and employees (the direct and substantial element is chimerical) (iii) for production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss i.e. making on a large scale prasad or food) *prima facie* there is an 'industry' in that enterprise.
- (b) Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.
- (c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.
- (d) If the organisation is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

9. In Bangalore Water Supply and Sewerage Board Vs. A. Rajappa & Ors. (AIR 1978 SC 548) Their Lordships laid down three tests for determining whether a particular entity is an 'industry' :

- (a) An establishment is an 'industry' if it is (i) systematic activity (ii) organised by co-operation between employer and employee (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes.
- (b) Absence of profit motive or gainful object is irrelevant.
- (c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.

10. According to Assistant Director Mr. P. M. Kantharia Commission is a social welfare organisation which grant employment on no profit basis an instrumentality of the Central Government as a charitable institute and as such is to be exempted from the provisions of the Industrial Disputes Act. On going through the definition, the ratio in the ruling cited by both the parties it is seen, Commission is producing and distributing services which are intended or meant for satisfying human wants and needs, engaged in a commercial industrial activity which can be described as a common venture or a commercial enterprise, as its object is to produce and distribute services which would satisfy wants and needs of the consumer community. From the nature of the activities of Commission, norms of its organisation and character activities carried out can be

said to be an undertaking analogous to business or trade. Their Lordships of Apex Court in M.P. Khadi and Village Industries Board 1985 4 SCC 138 and Bihar Khadi Gram Udyog Sangh 1983 (2) SC 4 held it an industry within section 2(j). Applying the said ratio and the tests aid down in Bangalore Water Supply case the activities discussed supra, to my view Commission is an 'industry' as defined under the Act. Issue No. 1 is therefore answered in the affirmative.

11. Once it is clear that commission is an industry point crops on whether Ms. Mohite worked continuously for 240 days in the Commission attracting provisions under Section 25B of the Industrial Disputes Act. According to Mohite she was employed by the Commission from 27-3-97 to 24-5-97 59 days and on contract basis for the period from 1-7-97 to 31-12-97 for 184 days continuously without any break in service, totalling 243 days. In cross-examination para 7 are admits she worked as a daily wager for 48 days and on contract basis for 184 days, of which wages she received from the Commission. She candidly stated portion marked 'A' in claim statement about working 59 days is incorrect. It is therefore apparent that workman actually worked 184 plus 48 days totalling 232 days, that means not 243 days. Assistant Director Mr. Dhamija in cross-examination para 8 admitted that Ms. Mohite was not given wages of weekly off, she was not paid wages of holidays during daily wages period. In the light of this admission the Learned Counsel Mr. Sawant relying on the decision of Bombay High Court in Cable Corporation of India Ltd. Vs. Dilip Pandurang Padhye & Anr. 2002 (2) ALL MR 381 and Workmen of American Express V/s. Management of American Express 1985 H LLJ SC 539 inviting attention of the tribunal to written submissions (Exhibit-24) wherein holidays and working days depicted in detail submits that Sundays and other holidays cannot be excluded while computing number of days on which the workman was actually working and that calculating the holidays which come to 12 days if added in 232 days the actual working days comes to 244 days, that is more than 240 days as required under section 25B of the Industrial Disputes Act. At this juncture the Learned Counsel Mr. Fadnis submits that Commission is exempted under the Shops and Establishments Act, therefore wages of holidays are not required to be paid to the workman and that under the statutory provisions such holidays are to be paid, then only paid holidays are to be taken into consideration for calculating 240 days. He submits that Industrial Disputes Act does not specifically say that the intervening holidays should be considered for calculating 240 days. As admitted by Mr. Dhamija Assistant Director, workman was not paid wages of holidays and that holidays list comes to 12 days during the material period has not been challenged. In view of the position discussed supra and in the light of the rulings, working days of the workman comes to 244 days. According to the management workman was engaged on daily wage basis/contract basis, on the basis of need of work, so long as work is available, consequently their absorption is out of question. Their Lordships of Supreme Court in Himanshu Kumar Vidyarthi V/s. State of Bihar AIR 1997 SC 3657 observed "daily wage employee whose services were engaged on the basis of need of work, termination

of such employee cannot be construed to be retrenchment". In the case in hand, workman in detail pointed out that she was called for typing test on the recommendation of the Employment Exchange vide letter of the Commission dated 6th July, 1993, was interviewed by the Commission on 7th January, 1994 and was taken on the waiting list at Serial No. 35 which management clearly concede. It is therefore to be noted that entry of the workman is not back door. From the pleadings of the management it is apparent that out of the list 28 vacancies were filled but due to ban on appointment, further remained unengaged. It is further seen from the pleadings there was demand of staff from the management which indicates permanent work was there and that one R. Hate was absorbed who was on contract basis. From this point of view, when workman was on waiting list and there was permanent work and that she completed 244 days at per the guidelines of calculation of actual working days, certainly provisions of Section 25F come into play.

12. According to management services of workman ended by virtue of end of contract period and not by termination of service and that workman worked only 232 days. Therefore question of giving of one months notice, one month's pay and retrenchment compensation does not arise. Consequently the action of the management is justified. However on going through the evidence as a whole, the ratio in the decisions referred to above I find no force in the above submission. It is therefore apparent that since workman completed 244 days and that work she was doing in the Commission, was of permanent nature and that she was already on the waiting list her case was of retrenchment and that she was retrenched without complying the provisions of Section 25F of the Industrial Disputes Act, therefore action of the management of her termination is unjustified. Consequently management will have to be directed to reinstate the workman in service.

13. So far the back wages are concerned, nothing on record to show that workman was gainfully employed anywhere. Considering the object of the Commission and the circumstances under which her services were ceased and that objects of the Act are of social nature it is equally proper to direct the management to pay 50 per cent back wages to the workman w.e.f. 1-1-98. In view of the position issues Nos. 2, 3 & 4 are answered accordingly and hence the order :—

ORDER

The action of the management of Khadi & Village Industries Commission, Mumbai by terminating the services of Ms. Sharyu Bhimrao Mohite w.e.f. 1st January, 1998 is not justified. Management is directed to reinstate her in service and pay her 50 per cent back wages w.e.f. 1-1-1998.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 27 दिसम्बर, 2002

का. प्रा. 246.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार की सुदर्शन सिंह, अनुच्छान

अधिकारी, अम व्यूरो, चण्डीगढ़ को दिनांक 20 दिसम्बर, 2002 (अपराह्न) से उत्प्रवासी संरक्षी चण्डोगढ़ के रूप में नियुक्त करती है।

[संख्या एस-11011/1/2000-उत्प्रवास]
पी. करुपासामी, उप सचिव

New Delhi, the 27th December, 2002

S.O. 246.—In exercise of the powers conferred by Section 3, Sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri Sudershan Singh, Section Officer, Labour Bureau, Chandigarh, as Protector of Emigrants, Chandigarh with effect from 20th December, 2002 (Afternoon).

[No. S-11011/1/2000-Emig.]
P. KARUPASAMY, Dy. Secy.

नई दिल्ली, 30 दिसम्बर, 2002

का.आ. 247.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उपखण्ड (vi) के उपवधों के अनुसरण में भारत सरकार के अम मंत्रालय की अधिसूचना संख्या का.आ. 2108 दिनांक 10-6-2002 द्वारा बैंक नोट मुद्रणालय, देवास (म.प्र.) जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्ट सं. 22 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 1-7-2002 से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छ: मास को और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 1-1-2003 से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. संख्या एस-11017/4/97-ग्राइ.आर. (पी.एल.)]
श्रीमती बी.आर. विज, अवर सचिव

New Delhi, the 30th December, 2002

S.O. 247.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 2108 dated 10-6-2002 the services in the Bank Note Press, Dewas (M.P.) which is covered by item 22 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 1st July, 2002.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 1st January, 2003.

[F. No. S-11017/4/97-IR(PL)]
Smt. B. R. VII, Under Secy.

नई दिल्ली, 1 जनवरी, 2003

का.आ. 248.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उपखण्ड (vi) के उपवधों के अनुसरण में भारत सरकार के अम मंत्रालय की अधिसूचना संख्या का.आ. 2334 दिनांक 4-7-2002 द्वारा करेंसी नोट प्रेस, नासिक रोड जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को प्रथम अनुसूची जीव प्रविष्ट 25 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-7-2002 से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार को राय है कि लोकहित में उक्त कालावधि को छ: मास को और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 15-1-2003 से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. संख्या एस-11017/3/91-ग्राइ.आर. (पी.एल.)]

श्रीमती बी.आर. विज, अवर सचिव

New Delhi, the 1st January, 2003

S.O. 248.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 2334 dated 4-7-2002 the services in the Currency Note Press, Nashik Road which is covered by item 25 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 15th July, 2002.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Dispute Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 15th January, 2003.

[F. No. S-11017/3/91-IR(PL)]
Smt. B. R. VII, Under Secy.

नई दिल्ली, 13 सितम्बर, 2002

का. प्रा. 249.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी.एल. प्रवद्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण, भुवनेश्वर (संदर्भ संख्या 3/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-09-2002 को प्राप्त हुआ था।

[सं. एल-22012/68/2001-प्राई.आर. (सी-II)]
एन. पो. केशवन, डेस्क अधिकारी

New Delhi, the 13th September, 2002

S.O. 249.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MCL and their workman, which was received by the Central Government on 12-09-2002.

[No. L-22012/68/2001-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present;

Shri S.K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 3/2002.
Date of conclusion of hearing—2nd Aug. 2002
Date of Passing Award—29th Aug. 2002

Between;

The Management of the Project
Officer, Balandia Colliery of MCL,
Talcher, Dist. Angul, Orissa : 1st Party-Management

And

Their Workmen, represented through the
General Secretary, Orissa Collieries
Mazdoor Sangh (INTUC), At/Po. Balandia,
Dist. Angul, Orissa-759 116 : 2nd Party-Union

Appearances;

Mr. G.B. Mohapatra, For the 1st Party-
Personnel Manager Management
N.D.S. For the 2nd Party-Union

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-22012/68/2001-IR (CM-II), dated 20-12-2001:

“Whether the action of the Management of Balandia Colliery of MCL, Talcher by depriving S. Shri Jogendra Dangua, Pravakar Pradhan, R.D. Prasad and Pitabash Sahoo, Dragline Operators from one increment benefit on promotion is legal and justified? If not, to what relief they are entitled to?”

2. The 2nd Party has not filed any Claim Statement. So, the question of filing of Written Statement by the 1st Party-Management does not arise. Both the parties have filed the Memorandum of Settlement in Form-H.

3. Award is passed as per the terms and conditions of the Memorandum of Settlement. The Memorandum of Settlement filed in Form-H would form part of the Award.

Reference is answered accordingly.
Dictated & Corrected by me.

S.K. DHAL, Presiding Officer
FORM-II

(See Rule 58)

Memorandum of Settlement

Representing Management : Sri N.K. Sinha, Dy.CPM,
Jaganuath Area

Representing Workmen : Sri P.K. Pradhan, Genl.
Secy, OCMS

Short Recital of the Case;

The OCMS (INTUC) has raised an Industrial Dispute for non-payment of promotional benefit to the following 4 employees at the time of their pay-fixation in the post of Dragline Operation, Excav. Spl. Grade. The Management contention was that the employees concerned who were designated as Shovel Operator, Excav. Grade 'A' were selected for the post of Dragline Operators & after completion of one year of training were fitted in the Excav. Spl. Grade as Dragline Operator without any promotional benefit. There is no cadre scheme or promotional avenue from Shovel Operator, Excav. Grade 'A' to Dragline Operators Excav. Spl. Grade. The Union contended that earlier in case of Rajan Behera & Kalakar Singh the Promotional benefit was given

by the management. With both sides having divergent views the conciliation ended in failure.

The matter was again raised at the meeting with OCMS (INTUC) at Purion 06-04-2001 by Sri R.P. Singh, Genl. Secy, INTUC & President, INMWF, and after a protective discussion as a gesture of mutual cooperation and goodwill both the parties only agreed to settle the case on the following terms. It was agreed to fix their pay notionally on their being placed as Dragline Operator in Excavation Special Grade by giving them one increment as done in the case of normal promotion w.e.f. the date they have been joined in the Special Excavation grade, but left it to the wisdom of the management. As a gesture of mutual co-operation & goodwill the management and Union has finally settled case on following terms:

Terms of Settlement:

(i) That the Dragline Operators namely (1) Sri Jogendra Dangua, (2) Sri Prabhakar Pradhan (3) Sri Pitambar Sahu & Sri R.D. Prasad will get promotional benefit amounting to one Increment, in the Excavation Special Grade on and from 6-4-2001.

(ii) Consequent upon the grant of above promotional benefit w.e.f. 6-4-2001, their basic pay will be revised without changing their normal date of increments.

(iii) This will be in full & final settlement of the matter & no dispute in this connection will be raised by the Union & the workmen involved, in any other forum.

(iv) This will not be quoted as a precedent in future.

(v) A copy of this settlement will be sent to ALC (C) & RLC(C), BBSR.

(Sri N.K. Sinhas) (Sri P.K. Pradhan)
Dy. CPM, Jagannath Area Genl. Secy, OCMS
Dt. 22-06-2001 (INTUC) Dt.
R.D. Prasad
Jogendra Dakua
Pitabash Sahoo
Prabhakar Pradhan

Witness;

1. Sri R.K. Raut 2. Sri P.C. Sahu
PM, MCL Hq Secy, OCMS, Jag Area

नई दिल्ली, 6 जनवरी, 2003

का. आ. 250.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 फरवरी, 2003 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 (धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चकी है) के उपरन्त हरियाणा राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्र.सं. राजस्व ग्राम का नाम	हवालस्त सं. ज़िला
1. कमास्पुर	88 सोनीपत
2. जोशी चौहान	86 सोनीपत
3. खेवड़ा	72 सोनीपत
4. सफियाबाद	58 सोनीपत
5. खेड़ी मंजाल	60 सोनीपत

[संख्या एस-38013/1/2003-एस.एस-1]
संयुक्ता राज्य, अवर सचिव

New Delhi, the 6th January, 2003

S.O.250.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st February, 2003 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Haryana namely:—

Sl. No.	Revenue Village	Had	Bast No.	District
1.	Kamaspur		88	Sonepat
2.	Joshi Chohan		86	Sonepat
3.	Khewra		72	Sonepat
4.	Safiabad		58	Sonepat
5.	Kheri Manjal		60	Sonepat

[No.S-38013/01/2003-SS.I]
SANJUKTA RAY, Under Secy.